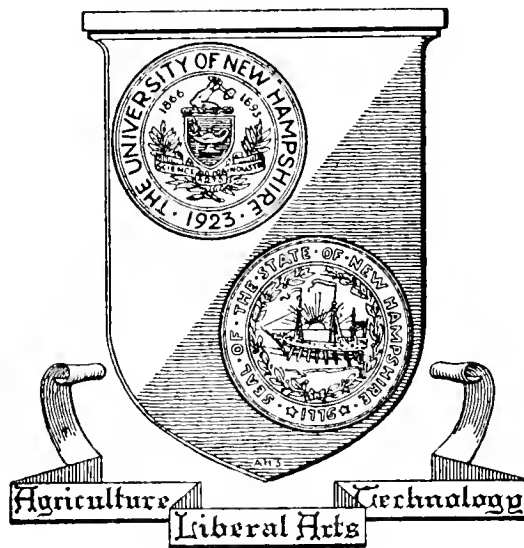




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JOURNAL  
OF THE  
HONORABLE SENATE  
JANUARY SESSION OF 1957

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WEDNESDAY, JANUARY 2, 1957

At eleven o'clock in the forenoon of the first Wednesday in January in the year of our Lord, one thousand nine hundred and fifty-seven, being the day prescribed by the Constitution for the Legislature of New Hampshire to assemble at the Capitol in the city of Concord in said State, and His Excellency the Honorable Lane Dwinell, Governor, having come into the Senate Chamber, took and subscribed the oaths of office, and were duly qualified as Senators agreeably to the provisions of the Constitution, namely:

District No. 1.	Laurier A. Lamontagne
District No. 2.	Daniel A. O'Brien
District No. 3.	Ida M. Horner
District No. 4.	Forrest W. Hodgdon
District No. 5.	Edward J. Bennett
District No. 6.	James P. Rogers
District No. 7.	James C. Cleveland
District No. 8.	
District No. 9.	Elmer M. Anderson
District No. 10.	E. Everett Rhodes
District No. 11.	Robert English
District No. 12.	Nelle L. Holmes
District No. 13.	Louis W. Paquette
District No. 14.	Eralsey C. Ferguson
District No. 15.	Herbert W. Rainie
District No. 16.	Norman A. Packard
District No. 17.	Marye Walsh Caron
District No. 18.	Paul E. Provost
District No. 19.	Paul H. Daniel
District No. 20.	Lucien E. Bergeron

District No. 21.

District No. 22.

District No. 23. Dean B. Merrill

District No. 24. Cecil Charles Humphreys

Senators DeLude, Karkavelas and Adams were not sworn in as they were absent from the Senate Chamber at the time the Governor administered the oath to the others.

His Excellency, the Governor, withdrawing, the Senate was called to order by Benjamin F. Greer, Clerk of the 1955 session of the Senate.

The Clerk stated that the first business was the election of a temporary presiding officer.

On motion of Senator Rainie, Senator Packard was chosen temporary presiding officer.

The Clerk requested Senators Holmes and Horner to conduct the temporary presiding officer to the Chair.

The Chairman requested the presentation of nominees for the office of President of the 1957 Senate.

Senator Cleveland placed in nomination the name of Eralsey C. Ferguson for the office of President of the 1957 Senate.

Senator Rainie seconded the nomination.

Senator Paquette placed in nomination the name of Senator Laurier Lamontagne for the office of President of the 1957 Senate.

Senator Provost seconded the nomination.

The Senate proceeded to the choice of a President by balloting, with the following result:

Whole number of votes cast . . . . .	22
Necessary for choice . . . . .	12
Honorable Eralsey C. Ferguson . . . . .	16
Honorable Laurier Lamontagne . . . . .	6

The Honorable Eralsey C. Ferguson having received a majority of all the votes cast, was declared elected.

On motion of Senator Lamontagne, the election of Senator Ferguson was declared unanimous.

The President, having assumed the Chair, addressed the Senators as follows:

*Fellow Senators:*

In this State and nation all power and authority in government comes from the people.

The people and their electees are generally very chary of giving unlimited authority to anyone. We should never forget this.

As Senators of the State of New Hampshire our first duty is to our constituents, not primarily constituents who cast their ballots for us in the primary and general election, but in the larger sense all the people of New Hampshire. We have as our responsibility the health, welfare and freedom of all the people of this great State.

Ours is a heavy load to bear both physically and mentally. Just the routine handling of nearly two-thirds of all the bills and resolutions which are submitted to the General Court for consideration is a tremendous load. It is a constant marvel to me that out of the whirlpool of this General Court so many bad bills are whirled away and so much good legislation is finally funnelled into being a part of the statutes.

Too few people in this State understand the three primary divisions of government — the Executive, Legislative and Judiciary. As a result blame is too often placed where it does not belong.

As the higher body of the General Court we Senators are individually responsible more than any other elective or appointed officials in this State for the well-being of everyone in the State. Ours is a duty of telling the Governor what we want; his is the duty of putting into execution our desires. The courts interpret what they believe to be our intentions when we enact legislation.

This responsibility of ours is a very solemn and very heavy one. I know that this 1957 Senate of the State of New Hampshire will accept this honor and take upon itself these responsibilities, and that its actions will be a credit to the General Court and will reflect honor on the people who elected us.

You have seen fit to bestow upon me the very high honor of the Presidency of this body. I accept it with heartfelt thanks to each and all of you and with a deep feeling of humility. Knowing practically all of you personally I know that you will assist me to so perform my duties that honor and credit will be reflected on you.

### Introduction of Guests

The President welcomed the following guests to the Senate: His daughter, Mrs. Louis F. Eaton, and two granddaughters, Debra and Elizabeth, all of Cohasset, Massachusetts; also Dr. Mather Cleveland of New York City, the father of Senator Cleveland, District No. 7; also two former Senators J. Felix Daniel and Charles Daniel, brothers of Senator Paul Daniel, District No. 18; also former President of the Senate, Raymond K. Perkins; and Thomas McKoan, the editor of the Valley Times in Pittsfield.

On motion of Senator Hodgdon, the following resolution was adopted:

*Resolved*, That Benjamin F. Greer as Clerk be elected by acclamation; and that Nathan A. Tirrell as Sergeant-at-Arms be elected by acclamation.

Thereupon Benjamin F. Greer and Nathan A. Tirrell appeared, signified their acceptance of the office to which they were elected respectively, and were duly sworn to the faithful discharge of their duties before the President.

A true record:

BENJAMIN F. GREER,  
*Clerk for 1955-1956.*

A true copy — Attest:

BENJAMIN F. GREER,  
*Clerk for 1955-1956.*

On motion of Senator Rogers, the following resolution was adopted:

*Resolved*, That until otherwise ordered, the Senate will meet at eleven o'clock in the forenoon, and at two o'clock in the afternoon.

On motion of Senator DeLude, the following resolution was adopted:

*Resolved*, That the Secretary of State be requested to furnish the Senate with the official return of votes from the various Senatorial Districts for the State.

On motion of Senator Horner, the following resolution was adopted:

*Resolved*, That the return of votes from the several Senatorial Districts be referred to select a committee of three with



the instruction to examine and count the same, and report to the Senate whether any vacancies exist, and if so, in what Senatorial District.

Pursuant to the above resolution, the President appointed as members of such committee, Senators Horner, Humphrey and Provost.

On motion of Senator Anderson, the following resolution was adopted:

*Resolved*, That the House of Representatives be informed that the Senate having assembled has organized by the choice of Eralsey C. Ferguson as President, Benjamin F. Greer as Clerk and Nathan A. Tirrell as Sergeant-at-Arms, is now ready to proceed with the following business of the session.

On motion of Senator Rhodes, the following resolution was adopted:

*Resolved*, That the Clerk be instructed to procure the services of three stenographers, Mrs. Esther T. Hurd, Mrs. Virginia B. Hall, and Mrs. Irma Matthews, to perform such duties as may be assigned to them.

On motion of Senator English, the following resolution was adopted:

*Resolved*, That all bills and resolutions reported by the Committees, with the exception of new bills originating in the Committee, shall be handed to the Clerk, who shall cause a list of said bills and joint resolutions to be published in the Calendar to the daily Journal together with a report of the Committee previous to their presentation to the Senate.

On motion of Senator Cleveland, the following resolution was adopted:

*Resolved*, That the President be authorized to appoint an Assistant Messenger for the ensuing session, and a stenographer for the Engrossed Bills Committee.

On motion of Senator Rainie, the following resolution was adopted:

*Resolved*, That the House of Representatives be informed that the Senate will be ready to meet the House in joint convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the provisions in the Constitution

at 2:00 o'clock this afternoon, and for the election of a Secretary of State and State Treasurer.

On motion of Senator Merrill, the following resolution was adopted:

*Resolved*, That the Clerk be instructed to procure from the Secretary of State three complete sets with supplements of the Revised Statutes Annotated. One set for the use of the Judiciary Committee, one set for the President of the Senate, and one set for the use of the Clerks.

The Honorable Secretary of State appeared and presented the official returns of the various Senatorial Districts of the State.

The President announced that due to several reasons he was unable to announce the complete committee appointments at this time as he had intended to do. However, he wished to announce at this time the appointment of the following to serve on the Finance Committee of the Senate: Senators Merrill, Hodgdon, English, Anderson, Horner, Caron and Bergeron.

The President named the following Senators to serve on a committee to obtain rooms to be used for Committee Hearings: Senators Rainie, Cleveland and Lamontagne.

The President announced that Senator Cleveland would act as majority floor leader of the Senate for the ensuing session.

### **Introduction of Bills**

Senator Packard introduced the following entitled bill, which was read a first and second time, and referred:

To the Committee on Public Works:

Senate Bill No. 1, An Act providing for refund of motor vehicle road toll for retail dealers.

Senator Ferguson introduced the following entitled bill, which was read a first and second time, and referred:

To the Committee on Ways and Means:

Senate Bill No. 2, An Act repealing certain provisions relative to the removal or discharge of Merrimack County employees.

Senator Ferguson introduced the following entitled bill, which was read a first and second time, and referred:

To the Committee on Public Works:

Senate Bill No. 3, An Act relative to expenditures of state funds on Class IV compact section highways.

Senator Caron introduced the following entitled bill, which was read a first and second time, and referred:

To the Committee on Ways and Means:

Senate Bill No. 4, An Act relative to benefits under the firemen's retirement system.

Senator Holmes introduced the following entitled bill, which was read a first and second time, and referred:

To the Committee on Public Health, Welfare and State Institutions:

Senate Bill No. 5, An Act correcting an error in a reference to the provisions of the State Library Commission.

Senator Lamontagne offered the following resolution, and moved its adoption.

*Resolved*, That the Rules adopted by the 1955 Senate of the General Court be adopted by this session of the Senate with the following amendment:

Strike out Rule 25 and substitute therefore the following:

Rule 25. The following standing committees, to consist of five members each, unless otherwise stated, shall be appointed at the commencement of any session, a Committee on Agriculture; a Committee on Banks and Insurance; a Committee on Education; a Committee on Elections, to consist of three members; a Committee on Finance, to consist of seven members; a Committee on Fisheries and Game; a Committee on Interstate Cooperation, one member of which shall be the President; a Committee on Judiciary, to consist of seven members; a Committee on Labor; a Committee on Liquor Laws; a Committee on Military and Veterans' Affairs; a Committee on Resources, Recreation and Development; a Committee on Public Health, Welfare and State Institutions; a Committee on Public Works; a Committee on Transportation; a Committee on Ways and Means, to consist of seven members; a Committee on Rules, to consist of three members, one member of whom shall be the President.

Question being on the adoption of the resolution.

(Discussion ensued)

The President requested Senator Rogers to assume the Chair.

Senator Rogers in the Chair.

Senator Ferguson spoke in favor of the resolution, and explained the resolution in detail.

(Further discussion ensued)

The President assumed the Chair.

Senator Packard requested a five minute Recess, which was granted.

(Recess)

The Senate re-assembled.

Senator Cleveland offered the following amendment, and moved its adoption:

Amend the resolution by adding after the Committee on Banks and Insurance a new committee to be called the Committee on Claims.

On a *viva voce* vote, the amendment was adopted.

Question being on the adoption of the resolution offered by Senator Lamontagne, and amended by Senator Cleveland.

*Resolved*, That the Rules adopted by the 1955 Senate of the General Court be adopted by this session of the Senate with the following amendment: Strike out Rule 25 and substitute therefore the following:

Rule 25. The following standing committees, to consist of five members each, unless otherwise stated, shall be appointed at the commencement of any session, a Committee on Agriculture; a Committee on Banks and Insurance; a Committee on Claims; a Committee on Education; a Committee on Elections, to consist of three members; a Committee on Finance, to consist of seven members; a Committee on Fisheries and Game; a Committee on Interstate Cooperation, one member of which shall be the President; a Committee on Judiciary, to consist of seven members; a Committee on Labor; a Committee on Liquor Laws; a Committee on Military and Veterans' Affairs; a Committee on Resources, Recreation and Development; a Committee on Public Health, Welfare and State Institutions; a Committee on Public Works; a Committee on Transportation; a Committee on Ways and Means, to con-

sist of seven members; a Committee on Rules, to consist of three members, one member of whom shall be the President.

On a *viva voce* vote, the affirmative prevailed and the resolution as amended was adopted.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following resolution:

*Resolved*, That the Honorable Senate be informed that the House of Representatives has organized by the choice of W. Douglas Scamman, Speaker; Robert L. Stark of Goffstown, Clerk; Francis W. Tolman of Nelson, Assistant Clerk; Lloyd E. Fogg of Milan, Sergeant-at-Arms; Harry J. E. Robinson of Dover, Bertha E. Boutwell of Concord, Sherman L. Greer of Manchester, Mrs. Mabel L. Richardson of Randolph, and Ernest C. Pillsbury of Sandown as Doorkeepers.

The President declared a Recess until 1:55 p. m.

(Recess)

The Senate re-assembled.

### Oath Administered

Senators DeLude, Karkavelas and Adams informed the Clerk that they had presented themselves before the Governor, had taken and subscribed the oaths of office, and were qualified as Senators agreeably to the provisions of the Constitution.

### House Messages

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following resolution in the passage of which it asks the concurrence of the Honorable Senate:

*Resolved*, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the Constitution and for

the election of a Secretary of State and State Treasurer at two o'clock in the afternoon.

The House of Representatives has passed the following concurrent resolution, in the passage of which it asks the concurrence of the Honorable Senate:

4. *Resolved*, That the *Joint Rules* of the Senate and House of Representatives be adopted by the Session of 1955, be adopted by the present session, with the following amendment:

*Changes in Joint Rules of House and Senate Providing a 60-day Period Before Bills May Become Law.*

Amend the Joint Rules of the Senate and House by adding after section 12, a new section 13, as follows:

13. *Effective Date of Bills.* 13. No law shall take effect until the passage of sixty calendar days after its enactment, except laws declared to be emergency laws, or laws solely appropriating money for ordinary or capital expenses of state departments or institutions. An Act declared to be an emergency law shall be so declared by a resolution setting forth a statement that such law is necessary for the immediate promotion of the public peace, health, safety, or convenience. Said resolution shall be adopted separately in each house. This rule shall not be construed as applying to private acts or resolutions where a vote of both branches is required for adoption. Any law may become effective on a specific date beyond the sixty calendar days herein provided by so providing specifically therein.

On motion of Senator Bennett, the above concurrent resolution was laid upon the table to be printed in the Journal, and to be acted upon at some future time.

Senator Packard offered the following resolution and moved its adoption:

*Resolved*, That the Clerk of the Senate be authorized to furnish at the expense of the State during the session of 1957 two such daily newspapers printed within the State to the members and officers of the Senate as such members and officers may select and to the Governor and Council.

Senator Bennett moved that the above resolution be amended by adding the words, and or weekly.

Senator Rainie, subject to the approval of Senator Ben-

nett, moved that the word "daily" be omitted, so that said resolution as amended shall read as follows:

That the Clerk of the Senate be authorized to furnish at the expense of the State during the session of 1957 two such newspapers printed within the State to the members and officers of the Senate as such members and officers may select and to the Governor and Council.

On a *viva voce* vote, the affirmative prevailed, and the above resolution as amended was adopted.

The President declared a Recess.

(Recess)

(See House Proceedings)

The Senate re-assembled.

On motion of Senator Caron, the rules were suspended, and all business in order for this afternoon at 2:00 o'clock was made in order at the present time.

On motion of Senator Caron, the Senate adjourned.

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THURSDAY, JANUARY 3, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate the following guests: Mrs. Bergeron, the wife of Senator Bergeron, District No. 20; the mother and father of Senator Bennett of District No. 5, Mr. and Mrs. Samuel Bennett of Putney, Vermont; the wife and daughter of Senator Provost of District No. 18; and former Senator of District No. 10, Irene Landers Hart of The Weirs.

### **Committee Report**

The select committee, to whom was referred the various returns of votes for Senators from the several districts, having attended to their duties, and having examined the returns made to the Secretary of State and the records in the office of said Secretary, report that they find the state of the vote returned from the several districts as follows:

## First District

Laurier Lamontagne, Berlin, d and r . . . . .	10,046
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## Second District

Daniel A. O'Brien, Lancaster, r and d . . . . .	7,020
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## Third District

Ida M. Horner, Thornton, r . . . . .	6,410
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## Fourth District

Forrest W. Hodgdon, Tuftonboro, r . . . . .	7,026
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## Fifth District

Edward J. Bennett, Bristol, r and d . . . . .	10,676
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## Sixth District

James P. Rogers, Laconia, r . . . . .	7,796
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Archie L. Tardiff, Laconia, d . . . . .	3,410
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Plurality for Rogers . . . . .	4,386
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## Seventh District

James C. Cleveland, New London, r . . . . .	5,972
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Donald W. Cushing, Franklin, d . . . . .	3,270
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Plurality for Cleveland . . . . .	2,702
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## Eighth District

Margaret B. DeLude, Unity, r . . . . .	7,631
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Harry V. Spanos, Newport, d . . . . .	4,512
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Plurality for DeLude . . . . .	3,119
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## Ninth District

Elmer M. Anderson, Concord, r . . . . .	7,193
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## Tenth District

E. Everett Rhodes, Walpole, r . . . . .	6,754
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Hugh F. Haling, Keene, d . . . . .	3,109
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Plurality for Rhodes . . . . .	3,645
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## Eleventh District

Robert English, Hancock, r . . . . .	6,140
Gerald A. Rust, Swanzey, d . . . . .	3,055

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Plurality for English . . . . .	3,085
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## Twelfth District

Nelle L. Holmes, Amherst, r . . . . .	8,845
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## Thirteenth District

Louis W. Paquette, Nashua, d . . . . .	9,062
George L. Benjamin, Nashua, r . . . . .	3,248

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Plurality for Paquette . . . . .	5,814
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## Fourteenth District

Eralsey C. Ferguson, Pittsfield, r and d . . . . .	12,022
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## Fifteenth District

Herbert W. Rainie, Concord, r . . . . .	4,775
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## Sixteenth District

Norman A. Packard, Manchester, r . . . . .	5,133
J. Francis Wilcox, Manchester, d . . . . .	3,405

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Plurality for Packard . . . . .	1,728
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## Seventeenth District

Marye Walsh Caron, Manchester, d . . . . .	4,721
Daniel F. Cronin, Manchester, . . . . .	3,472

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Plurality for Caron . . . . .	1,249
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## Eighteenth District

Paul E. Provost, Manchester, d . . . . .	9,624
J. Roscoe Gilmore, Manchester, r . . . . .	3,009

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Plurality for Provost . . . . .	6,615
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## Nineteenth District

Paul H. Daniel, Manchester, d . . . . .	3,957
Robert E. Chenard, Manchester, r . . . .	1,295

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Plurality for Daniel . . . . .	2,662
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## Twentieth District

Lucien E. Bergeron, Rochester, d . . . .	7,433
Letha Ellen Furlong, Somersworth, r . .	6,080

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Plurality for Bergeron . . . . .	1,353
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## Twenty-First District

Paul G. Karkavelas, Dover, r . . . . .	6,096
William L. Dunfey, Durham, d . . . . .	4,460

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Plurality for Karkavelas . . . . .	1,636
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## Twenty-Second District

Benjamin C. Adams, Derry, r . . . . .	10,551
Frank T. Conway, Manchester, d . . . . .	6,220

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Plurality for Adams . . . . .	4,331
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## Twenty-Third District

Dean B. Merrill, Hampton, r . . . . .	10,348
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## Twenty-Fourth District

Cecil Charles Humphreys, New Castle, r	6,822
William N. Dawson, Portsmouth, d . . . .	4,977

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Plurality for Humphreys . . . . .	1,845
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The report of the Committee was accepted.

**House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has adopted the following resolution, in the adoption of which it asks the concurrence of the Honorable Senate:

*Resolved*, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 11:50 o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before such Convention.

On motion of Senator Rogers the following resolution was adopted:

*Resolved*, That the Senate be ready to meet the House of Representatives in joint convention as suggested by the House Message, at 11:50 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

The Chair declared a recess.

(Recess)

The Senate re-assembled to meet in joint convention.

(See House Proceedings)

The Senate re-assembled.

### **Announcement**

The President announced that the following Standing Committees of the Senate will be printed in today's Journal.

### **Standing Committees of the Senate**

#### **Committee Appointments**

##### **Agriculture**

Senators Hodgdon, O'Brien, Rhodes, Adams, Provost.

##### **Banks and Insurance**

Senators Anderson, Merrill, Rainie, Rogers, Bergeron.

##### **Claims**

Senators English, Rhodes, O'Brien, Humphreys, Lamontagne.

##### **Education**

Senators Holmes, Cleveland, Merrill, Karkavelas, Paquette.

**Elections**

Senators Humphreys, English, Caron.

**Engrossed Bills**

Senators Horner, Holmes, Daniel.

**Finance**

Senators Merrill, Hodgdon, English, Horner, Anderson, Caron, Bergeron.

**Fisheries and Game**

Senators Rhodes, Hodgdon, O'Brien, Bennett, Bergeron.

**Interstate Cooperation**

The President, Senators English, DeLude, Rogers, Lamontagne.

**Judiciary**

Senators Cleveland, Holmes, Rhodes, Karkavelas, Humphreys, Paquette, Lamontagne.

**Labor**

Senators Adams, Packard, Bennett, Caron, Lamontagne.

**Liquor Laws**

Senators Karkavelas, Horner, Rainie, Anderson, Provost.

**Military and Veterans' Affairs**

Senators O'Brien, Packard, Humphreys, Caron, Daniel.

**Public Health, Welfare and State Institutions**

Senators DeLude, Rainie, Adams, Humphreys, Paquette.

**Public Works**

Senators Rogers, DeLude, Holmes, Bennett, Daniel.

**Resources, Recreation and Development**

Senators Bennett, Rogers, English, Horner, Provost.

**Rules**

The President, Senators Cleveland, Lamontagne.

### **Transportation**

Senators Packard, Karkavelas, DeLude, Anderson, Lamontagne.

### **Ways and Means**

Senators Rainie, Rogers, DeLude, Adams, Packard, Paquette, Daniel.

### **Introduction of Bill**

Senator Cleveland introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 6, An Act relative to payment of costs and attorney's fees by the State in case of certain appeals from assessment of highway damages.

On motion of Senator Caron the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

On motion of Senator DeLude the following resolution was adopted:

*Resolved*, That when the Senate adjourns today it be to meet next Tuesday morning at 11:00 o'clock.

On motion of Senator Caron the Senate adjourned.

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TUESDAY, JANUARY 8, 1957

The Senate met according to adjournment.

### **Leave of Absence**

Senator O'Brien of District No. 2 requested leave of absence for the day on account of important business. This request was granted by the President.

### **Announcements by the President**

The President called the attention of the Senators to the fact that if they are not going to be present at the session, they should make written request for leave to him.

The President expressed his sincere thanks and appreciation for the beautiful bouquet and congratulations sent to him by the New Hampshire Hills Women's Republican Club of Pittsfield, New Hampshire.

### Introduction of Guests

The President welcomed to the Senate the following guests:

Mr. Robert Eno, Manchester, who was the guest of Senator Provost, District No. 18; Mr. Philip Hammond, Manchester, who was the guest of Senator Packard, District No. 16; and Attorney Stephen Wallace of Rochester, who was the guest of Senator Bergeron, District No. 20.

### Communication

The President read the following communication which had been received by him from the Chief of Police of the City of Concord:

January 3, 1957

THE HONORABLE SENATOR ERALSEY C. FERGUSON

President of the Senate, General Court, 1957

State House, Concord, New Hampshire

DEAR SIR:

I am writing to clear up a few points in regard to parking privileges in the city that are usually extended to members of the General Court. We hope that by clarifying a few points, we can avoid some misunderstandings and make it possible for the members of the General Court to enjoy their stay in Concord during the 1957 sessions.

1. *All duly elected members of the General Court* may obtain legislative stickers to attach to the lower right hand corner of their windshields. These stickers may be obtained from the Motor Vehicle Department. They will be honored on all vehicles that are properly parked in a metered or unmetered zone with the exception of North Main Street and in the twenty-minutes zone in front of the Post Office.

They will be honored on all days when the Legislature is in session. Also, if a member is tagged on a day when the Court is not in session, the member may take his ticket to the Police Station and if he can show that he or she was on legislative or committee business, the officer in charge will excuse the offense.

2. Unfortunately, we cannot authorize the issuing of legislative immunity to attaches, stenographers, clerks, reporters, photographers, etc., that are not elected members of the Court. It seems there was some misuse on issuing of legislative stickers to such persons during the 1955 session and caused us quite a bit of embarrassment.

However, we realize that there may be a few persons who are vital to the smooth operation of the General Court and it would be extremely difficult for them to perform their duties if they were subject to over-time parking regulations.

Therefore, we are keeping a few legislative stickers at the Police Station so that you may write us a letter setting forth the reasons why such a person should have a sticker even though they are not actually a member of the Court. We will be glad to consider the case on its merits.

I sincerely hope that this arrangement will be satisfactory to all of us. If not, please feel free to call me at any time for a conference.

Respectfully yours,

WALTER H. CARLSON,  
*Chief of Police.*

### **Error in Journal**

The President stated that he wished to call the attention of the Senators to an error occurring on Page 8 of the Journal of the Senate for Wednesday, January 2nd.

In the third paragraph, it should read as follows:

The President named the following Senators to serve on a committee to obtain rooms to be used for Committee Hearings: Chairman, Senator Rainie, District No. 15; Senator Cleveland, District No. 7; and Senator Lamontagne, District No. 1.

### **Announcement by the President**

The President announced to the Senate that prior to today's session, the Republican members of the Senate had held a caucus. Also, that it would be well for the Senate to hear the report made to the Republican caucus, which was adopted by the Republicans, and the President recognized Senator Cleveland, District No. 7, for the report.

Senator Cleveland: "The caucus held this morning was an adjourned caucus of the caucus held last Tuesday night. This

report is from the three members of the Special Committee consisting of the President of the Senate, and Senators Merrill and Packard. The report is in typewritten form and a copy has been placed on the desk of each of the Senators. This report was unanimously adopted by the Republican caucus. This report accomplishes a great deal on the administrative and organizational side of the Senate. This report was the result of a great deal of thought by this committee. The adoption of this report will greatly increase the efficiency of this Senate. The matter of Counsel to the Senate has been referred to a committee of three: Senators Rainie, District No. 15; Cleveland, District No. 7; and Adams, District No. 23, by the caucus to interview applicants and to report back to an adjourned caucus next Tuesday, January 15th, at 10:00 o'clock. I move that this report be adopted by the Senate."

Report to Republican Caucus of Special Committee consisting of the President of the Senate, Senator Merrill and Senator Packard.

Your committee recommends that the staff of the Senate be composed of the following:

1. Clerk, who is the chief administrative officer in charge of all attaches and clerical help in the Senate and is responsible to the President for the proper administrative functioning of the staff. The clerk shall also be responsible for appearance of notices in the Journal and make-up of the appendix to the Journal.

2. Counsel to the Senate, who shall be a lawyer, and whose duties shall be those of the present Assistant Clerk, namely the handling and care of all bills and resolutions and the registering of them in the register, and in addition, shall act as legal counsel to the Senators, rendering to them assistance in the preparation of bills and amendments, and to the President in the execution of his duties as the presiding officer.

3. Senate Recorder, whose duties shall consist of keeping accurate detail and account of what transpires when the Senate is in session and the preparation of the Journal.

4. Sergeant-at-Arms, whose responsibility shall be the supervision of the work of the messengers and doorkeepers, working with them to see that their duties are performed with precision and dispatch, this to be in addition to his duties as Sergeant-at-Arms when the Senate is in session.



5. One Messenger, who shall sit in a chair directly in front of the desk of the Clerk, and who shall attend to the needs of the Senate during the session and perform such other duties as the Sergeant-at-Arms shall allocate to him.

6. One Doorkeeper, whose responsibilities and duties shall be prescribed by the Sergeant-at-Arms.

7. Three Stenographers, whose services shall be available to the President of the Senate, Counsel to the Senate and to the Senators.

It shall be understood that each member of the staff of the Senate shall be available on call to carry out the work of the Senate on Mondays and/or Fridays to expedite the work of the Senate.

(Discussion ensued)

Senator Lamontagne requested a three-minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Question being on the adoption of the report.

Senator Lamontagne spoke against its adoption.

Senator Rainie offered the following amendment and moved its adoption.

Amend section 4 of the report by inserting before the word "responsibility" in line 1 the word, immediate, so that said section as amended shall read as follows: 4. Sergeant-at-Arms, whose immediate responsibility shall be the supervision of the work of the messengers and doorkeepers, working with them to see that their duties are performed with precision and dispatch, this to be in addition to his duties as Sergeant-at-Arms when the Senate is in session.

Question being on the adoption of the amendment.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

Question being on the adoption of the report as amended.

On this question, Senator Lamontagne demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Ander-

son, Rhodes, English, Holmes, Rainie, Packard, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, Paquette, Caron, Provost, Daniel and Bergeron.

Sixteen Senators having voted in the affirmative and six Senators having voted in the negative, the affirmative prevailed, and the report as amended was adopted.

### **Announcement by the President**

The Chair will state that it is his personal opinion that the rules of the Senate, being very lax defining the duties of the staff members, a change in the Senate rules will be offered to the Senate for approval at some later date. I would ask that this announcement be printed in today's Journal. Under the action taken by the Republican caucus, there are in order certain nominations for certain positions, the Chair will accept nominations for these positions.

Senator Packard offered the following resolution and moved its adoption:

*Resolved*, That Mrs. Irma Matthews be elected Senate Recorder; Maurice Youmans be elected Messenger; and Daniel Cronin be elected Doorkeeper.

Senator Rainie moved that the nominations be closed and that the Clerk be instructed to cast one ballot for these respective offices.

Senator Cleveland seconded the motion.

Question being on the passage of the above motion.

On a *viva voce* vote the affirmative prevailed and the motion prevailed.

### **Introduction of Bill**

Senator Cleveland introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 7, An Act relative to limitation of recovery of damages for wrongful death.

### **Announcement by the President**

The President announced that for the information of the Senate, he would announce that the Clerk of the House, Robert

L. Stark of Goffstown, had been appointed and had accepted the position of Deputy Secretary of State. Also, that Francis Tolman, the Assistant Clerk of the House, had been offered the position of Clerk, but had declined.

### **Announcements by Committee Chairmen**

Senator Cleveland, Chairman of the Judiciary Committee, requested his committee to meet with him in the southeast corner of the Senate chamber, following adjournment, for a brief discussion period.

Senator English, Chairman of the Committee on Claims, requested his committee to meet with him following adjournment, for organization in the northeast corner of the Senate chamber.

Senator Rogers, Chairman of the Committee on Public Works, requested his committee to meet with him following adjournment in the northwest corner of the Senate chamber for a brief discussion.

Senator DeLude, Chairman of the Committee on Public Health, Welfare and State Institutions, requested her committee to meet with her in the Senate Chamber at 10:30 tomorrow morning.

Senator Daniel presented to the members of the Senate stainless steel fountain pens, being the gifts of the President of the Manchester Federal Savings & Loan Association in Manchester.

### **Resolutions**

Senator Adams offered the following resolution and moved its adoption:

*Whereas*, The Senate has learned with sorrow of the death of Honorable William M. Cole of Derry, a member of the Senate for four consecutive sessions and President of the Senate for the session of 1941, whose distinguished record as a citizen devoted to the public welfare has earned him the respect of his community and state,

*Resolved*, That the Senate pay high tribute to its former member for his faithful, generous and able service to his town and state,

*And Be It Further Resolved*, That a copy of these resolutions be transmitted by the Clerk of the Senate to the surviving members of his family.

Senator Adams further moved that when the Senate adjourns today, it adjourn in honor of former President of the Senate, William M. Cole of Derry.

Motion seconded by Senator Lamontagne.

Question being on the adoption of the resolution offered by Senator Adams.

On a *viva voce* vote the affirmative prevailed and the resolution was unanimously adopted by a standing vote.

### **President Declares a Point of Order**

The President stated that he had discussed with the Governor and with Attorney Richard F. Upton, two authorities on parliamentary procedure, the matter of presenting a resolution with an adoptive motion and has been informed that the words "move its adoption" is unnecessary. He also stated that this is a small matter, but wherever we can, we should follow the regular procedure.

On motion of Senator Caron the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

On motion of Senator Lamontagne the Senate adjourned in memory of former President of the Senate, William M. Cole of Derry.

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WEDNESDAY, JANUARY 9, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate the following guests: Maurice J. Murphy, Jr., Esq., of Portsmouth, who was the guest of Senator Adams of District No. 22, and Miss Sarah Woodward, former Representative of the General Court.

### **Announcements by Committee Chairmen**

Senator Rhodes, Chairman of the Committee on Fisheries and Game, requested his committee to meet with him in the southeast corner of the Chamber following adjournment for organization purposes.

Senator Holmes, Chairman of the Committee on Education, requested her committee to meet with her in the Dartmouth corner of the Senate Chamber following adjournment for organization purposes.

Senator Hodgdon, Chairman of the Committee on Agriculture, requested his committee to meet with him in the Senate Chamber following adjournment for organization purposes.

Senator Karkavelas, Chairman of the Committee on Liquor Laws, requested his committee to meet with him in the Senate Chamber following adjournment for organization purposes.

Senator O'Brien, Chairman of the Committee on Military and Veterans' Affairs, requested his committee to meet with him in the Senate Chamber following adjournment for organization purposes.

### **Resolution**

Senator Bennett offered the following resolution:

*Whereas*, January 18th is the one hundred and seventy-fifth anniversary of the birth of Daniel Webster, therefore be it

*Resolved*, That the President appoint a committee consisting of two members from the Senate to meet with a committee of three members to be appointed by the Speaker of the House for the purpose of preparing a brief ceremony in commemoration of the birthday of this great man.

The question being on the adoption of the resolution offered by Senator Bennett.

On a *viva voce* vote the affirmative prevailed and the resolution was adopted.

Pursuant to the above resolution the President appointed as members of such committee on the part of the Senate Senators Bennett and Caron.

### **Introduction of Bill and Joint Resolution**

Senator Adams introduced the following entitled bill which

was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Agriculture:

Senate Bill No. 8, An Act abolishing the provisions of law relative to milk control.

Senator English introduced the following joint resolution which was read a first and second time, laid upon the table, and referred:

To the Committee on Claims:

Senate Joint Resolution No. 1, in favor of Margaret C. Coll.

### **Announcement**

The President asked if the members of the Senate who are here for the first time — but not necessarily limited to them — they would like to have the rules of the Senate and the joint rules of the House and Senate reviewed in their presence. The President felt that not all of them had a black book in which the rules of the Senate and the joint rules of the House and Senate are printed and that a discussion of those rules might be helpful. The President stated that he would be glad to meet with any Senators who would like to go over them with him after adjournment today when they had finished with their organization meetings of the various committees. The President suggested they meet in the President's office, Room 303B on the third floor.

### **Notice of Reconsideration**

Senator DeLude served notice to the Senate that she might at some future date ask for a reconsideration of the vote taken on the adoption of the report offered by Senator Cleveland on the organization of the Senate on January 8, 1957.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

On motion of Senator O'Brien, the Senate adjourned.

THURSDAY, JANUARY 10, 1957

The Senate met according to adjournment.

### **Leave of Absence**

Senator English, District No. 11, requested leave of absence for the day on account of important business. This leave was granted by the President.

### **Announcements**

The President announced that at the request of Mrs. Irma Matthews, she had been relieved of her duties as Senate Recorder and that he had requested Mrs. Esther T. Hurd to temporarily serve in that position.

Senator Humphreys, Chairman of the Committee on Elections, requested his committee to meet with him in the southeast corner of the Senate Chamber for the purpose of organization, immediately following adjournment.

The President announced that the adjourned Republican caucus has been changed from Tuesday, January 15th, at 10 o'clock until Tuesday afternoon, immediately following adjournment.

The President further announced that it will not be necessary for the Senators to have stickers on their cars if the car is equipped with Senate plates. The Senate plates can be procured from the Commissioner of Motor Vehicles. While it was not in the letter from the Chief of Police, in conversation with him the President was requested to inform the Senators that all night parking is not allowed on the streets of Concord. Sometimes it may be absolutely necessary, but in most cases, the police department arouses from his bed the owner of the car, gets the key and moves the car. However, whenever possible, the Chief requests that automobiles be kept off the road during the night.

The President recognized the Senator from District No. 22, Senator Adams, for the purpose of a motion.

### **Order Vacated**

Senator Adams moved that the order whereby Senate Bill No. 8, An Act abolishing the provisions relative to milk control, was referred to the Committee on Agriculture be vacated,

and the bill be recommitted to a Joint Committee of Agriculture and Public Health, Welfare and State Institutions.

The above motion was seconded by Senator Hodgdon, District No. 4.

On a *viva voce* vote, the affirmative prevailed, and the order was vacated. The above entitled bill was recommitted to the Joint Committee of Agriculture and Public Health, Welfare and State Institutions.

The President announced that in the regular course of proceedings, the Chairman of the Committee on Agriculture will be in charge of the hearings held by the above-mentioned joint committee.

### Introduction of Bills

Senator Bennett, District No. 5, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 9, An Act relative to public records and proceedings.

Senator Cleveland, District No. 7, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 10, An Act relative to correction of assessments for payment of income taxes.

Senate Bill No. 11, An Act relative to certificates as to payment of legacy taxes.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following concurrent resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Whereas*, January 18th is the one hundred and seventy-fifth anniversary of the birth of Daniel Webster, therefore be it

*Resolved*, That the Speaker appoint a committee consisting of three members from the House of Representatives to



meet with a committee of two members to be appointed by the President of the Senate for the purpose of preparing a brief ceremony in commemoration of the birthday of this great man.

Question being on the concurrence of the resolution.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senator Bennett, District No. 5, and Senator Caron, District No. 17.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

On motion of Senator Horner, District No. 3, the following resolution was adopted:

*Resolved*, That when the Senate adjourn today, it be to meet next Tuesday morning at 11:00 o'clock.

On further motion of Senator Horner, the Senate adjourned.

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TUESDAY, JANUARY 15, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate Mr. and Mrs. C. DeVlaminck of Manchester, who were the guests of Senator Caron, District No. 17.

### **Announcement by the President**

The President announced that he would like to call attention to the fact that the Revised Statutes Annotated which have been purchased for the use of the President of the Senate, the Judiciary Committee, and one set at the Clerk's desk for the use of Senators, are of no value whatsoever unless they have in the back of each volume the pocket supplement, which should be followed very carefully in writing amendments to the bills and also in the drafting of bills care should be taken

to follow the prescribed method which is contained in the Revised Bills Annotated which is quite different from the method followed in the past. The Clerk of the Senate has already ordered, at cost of \$15 per set, 3 sets of the pocket supplements which will be placed in our copies of the Revised Statutes Annotated.

### **Correction in the Journal**

The President recognized Senator Daniel, District No. 19, for the following correction to be made in the permanent Journal:

“Mr. President, I wish to call the attention of the Senate to an error that appears in the Journal of Tuesday, January 8th, 1957, on Page 9. The stainless steel fountain pens which were so generously presented to each of the Senators are gifts from the President of the Manchester Federal Savings & Loan Association of Manchester. I would like to have the Clerk of the Senate make this change in the permanent Journal.”

The President instructed the Clerk of the Senate to make the above correction in the permanent Journal.

### **Announcements**

The President recognized Senator Daniel, District No. 19, for the following announcement:

“Certain members of this Honorable Senate may call me a Santa Claus, but the fact is that the Amoskeag National Bank of Manchester, New Hampshire has sent to me this morning 24 pens and 24 pocket notebooks, to be given to each member of this Honorable Senate. This bank is pleased to make this gift to each member of this Senate and hope that they will enjoy using it.”

The President expressed his appreciation for the various gifts mentioned above, and instructed the Clerk of the Senate to write a letter of thanks and appreciation to the President of the Manchester Federal Savings & Loan Association of Manchester and to the President of the Amoskeag National Bank of Manchester, New Hampshire, for the gifts.

Senator Adams, District No. 22, Chairman of the Committee on Labor, requested the members of the Labor Committee to meet with him in the Dartmouth corner of the Senate

Chamber immediately following adjournment this morning, for the purpose of organization.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following concurrent resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Whereas* the Altar of the Nation located at the Cathedral of the Pines in Rindge, New Hampshire, which has been dedicated to the glory of God of all American war dead and which in fact has been recognized as an interdenominational shrine by Americans everywhere, and

*Whereas* the Congress of the United States has previously declared a national policy to preserve objects of national significance for the inspiration and benefit of the people of the United States, and

*Whereas* it is the sense of the General Court of the State of New Hampshire that steps be taken to recognize the national sentiment already expressed by dedicating this Memorial as a National Shrine,

*Now, Therefore Be It Resolved*, That the General Court of the State of New Hampshire memorializes the Congress of the United States and the appropriate officials of the administration in Washington to take whatever steps may be necessary and proper to give this Shrine its national recognition upon the provision however that nothing herein shall be held or understood to deprive the State of New Hampshire of its jurisdiction in and over said site or the conveyance of title therein to the federal government.

*Be It Further Resolved*, That a copy of this resolution be sent by the Secretary of State to the Representatives and Senators of this State in Washington, to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States and to such other officials in the United States government as may request the same.

The President stated that unless there was objection, he would state.

Question being on the adoption of the concurrent resolution.

The President recognized Senator Cleveland, District No. 7, on a point of inquiry.

Senator Cleveland stated that he understood that the House had changed the resolution and therefore the resolution was not as originally offered. He stated that he wished to inquire if the sponsors of the measure are in accord with the amended resolution.

The President stated that he was unable to answer this question.

Senator Cleveland therefore moved that the above resolution be laid upon the table and made a special order of business for tomorrow morning at 11:01 o'clock, in the hope that the Senate may find out if this amended resolution meets with the approval of the sponsor.

Question being stated: Shall the motion of Senator Cleveland be adopted?

On a *viva voce* vote, the affirmative prevailed, and the concurrent resolution was made a special order of business for tomorrow morning at 11:01.

### **Announcement**

The President announced that unless there is objection, and in anticipation of time consumed, in the reading of bills and resolutions, he will deviate slightly from the time honored custom and will present the bills in bulk, and place them on second reading in bulk, and will then refer them to committees one by one.

### **Introduction of Senate Bills**

Senator Rainie introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Banks and Insurance:

Senate Bill No. 12, An Act relating to permitting domestic insurance companies' investments to be held in the name of a nominee.

Senator Adams introduced the following entitled bill,

which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Transportation:

Senate Bill No. 13, An Act providing special fees for privately owned school buses.

Senator Cleveland introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 14, An Act relative to the detention of children in the state prison.

Senator O'Brien introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 15, An Act relative to date of annual assessment in unincorporated places.

On motion of Senator O'Brien, the printing of the above entitled bill for public use was dispensed with and the bill in its entirety printed in today's Journal.

Senate Bill No. 15, An Act relative to date of annual assessment in unincorporated places.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1. *Unincorporated Places.* Amend RSA 81:2 (supp) as inserted by 1955, 224:1 by striking out the word "January" in the last line thereof and inserting in place thereof the word, July, so that said section as amended shall read as follows: 81:2 *Annual Assessment.* The tax commission shall annually assess the real estate in each unincorporated or unorganized place to the owner or claimant thereof for the taxes apportioned to such place for the time being, and shall certify the same to the director of interest and dividends of the tax commission on or before July first of each year.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

Senator Lamontagne introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Transportation:

Senate Bill No. 16, An Act relative to certain refunds of municipal permit fees.

On motion of Senator Caron the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

On motion of Senator Hodgdon the Senate adjourned.

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WEDNESDAY, JANUARY 16, 1957

The Senate met according to adjournment.

#### **Special Order**

Senator Cleveland, District No. 7, moved that the order whereby the concurrent resolution relative to the Cathedral of the Pines in Rindge, New Hampshire being dedicated as a national shrine, was made a special order of business for this morning at 11:01 A. M. be vacated, and that this concurrent resolution now be made a special order for tomorrow morning at 11:01 A. M.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

#### **Announcements**

The President announced that he had called a meeting of the Rules Committee in his office directly after adjournment today.

Also, the President announced that the House of Representatives have requested the Senate to join them to hear a speech given by General Fleming who will speak at the session the morning of January 31st.

#### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 6, An Act relative to borrowing by credit unions.

House Bill No. 7, An Act relative to destruction of records of liquidation of banks by the bank commissioner.

### **Read and Referred**

The above entitled bills, received from the House of Representatives, were read a first and second time, and referred:

To the Committee on Banks and Insurance:

House Bill No. 6, An Act relative to borrowing by credit unions.

House Bill No. 7, An Act relative to destruction of records of liquidation of banks by the bank commissioner.

### **Introduction of Senate Bills**

Senator Karkavelas, District No. 21, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 17, An Act to amend the charter of the Wentworth Home for the Aged.

### **Announcement**

The President announced that there was some important business to be taken up and he would recognize Senator Cleveland, District No. 7, for a motion.

Senator Cleveland moved that the Senate do now go into a committee of the whole.

Senator Cleveland further amended his motion that the Senate do now go into executive session of a committee of the whole.

On a *viva voce* vote, the affirmative prevailed, and the President declared the Senate in executive session of a committee of the whole, and all but the members of the Senate left the Chamber.

(The Senate in closed executive session)

The Senate in regular session.

Senator Cleveland, District No. 7, moved that the report of the Republican caucus held on January 8th be amended as follows:

“To correct an omission in the report of the Republican Caucus which was adopted by the Senate, Tuesday, January 8, 1957, I propose the following:

Amend section 2 of the report by adding to the end thereof, the following sentence:

In the absence or incapacity of the Clerk of the Senate, the Counsel to the Senate shall be the Acting Clerk.”

On a *viva voce* vote, the affirmative prevailed, and the above amendment to the report was adopted.

Senator Humphreys, District No. 24, placed in nomination for Counsel to the Senate the name of Attorney Maurice J. Murphy, Jr., 241 Middle Street, Portsmouth, New Hampshire.

Senator Adams, District No. 22, moved that the nominations be closed, and that the Clerk cast 1 ballot in electing the above named Maurice J. Murphy, Jr., as Counsel to the Senate.

On a *viva voce* vote, the affirmative prevailed, the Clerk cast the required 1 ballot, and Mr. Murphy was declared duly elected, Counsel to the Senate.

Senator Cleveland, District No. 7, placed in nomination the name of Esther T. Hurd of Concord as Senate Recorder.

Senator DeLude, District No. 8, moved that the nomination be closed, and that the Clerk cast 1 ballot in electing the above named Esther T. Hurd as Senate Recorder.

On a *viva voce* vote, the affirmative prevailed, the Clerk cast the required 1 ballot, and Esther T. Hurd was declared duly elected as Senate Recorder.

### Announcements

The President announced the appointment of Charles Woodbury of Hooksett to the position of Assistant Messenger.

The President also further announced that the third stenographer, whose appointment was approved in the report adopted by the Senate on January 8th, has not yet been appointed and will not be appointed until the work load of the present two stenographers materially increases. As the organization of the Senate is now, we have a Senate Recorder and two stenographers, whereas the original report called for a Senate Recorder and three stenographers.



On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

Senator Rainie, District No. 15, Chairman of the Committee on Ways and Means, requested the members of his committee to meet with him for a moment in the south-west corner of the Senate Chamber immediately following adjournment, for organization.

On motion of Senator Bennett, District No. 5, the Senate adjourned.

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THURSDAY, JANUARY 17, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate Mr. Dryden Small, 90 John Street, New York 38, New York, and Mr. Frank Mason, 40 Exchange Street, Portland, Maine, both being the guests of Senator Bergeron, District No. 20.

### **Announcements**

The President announced to the Senate that all Senators have available for their use the services of the Senate stenographers for writing letters pertaining to their duties as Senators; and of course, depending upon the rules adopted by the committees, generally the chairmen of the various committees advise the sponsor of bills and any other interested people of the hearing date of the bill. Of course, the Senate stenographers are available for the sending out of notices of such hearings.

The President stated that he wished to correct an oversight in not acknowledging receipts of the desk calendars given to each of the Senators by the Co-Operative Bank of Hampton. He instructed the Clerk of the Senate to write to the bank and thank them for their kindness in sending the calendars to the members of the Senate, and to express the appreciation of the Senators for this gesture.

The President further announced to the Senate that the Rules Committee had met yesterday afternoon; and in view

of the fact that the limitation on bills being introduced into the Senate being at 5:00 o'clock this afternoon, the Rules Committee had agreed among themselves that they will not require all bills introduced in the Senate in the near future to come before them. In other words, the Rules Committee would waive their right to pass on the introduction of bills. No date was set on the time for the introduction of bills, as under Joint Rule 12 bills may be introduced under suspension of the rules.

### **Introduction of Senate Bills**

Senator Lamontagne introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Transportation:

Senate Bill No. 18, An Act relative to motor vehicles or trailers transporting pulpwood.

Senator Humphreys introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Transportation:

Senate Bill No. 19, An Act relating to computation of motor vehicle fees and municipal permit fees on monthly basis where registration is for less than fiscal year.

Senator Paquette introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 20, An Act relating to salaries of certain officials of the city of Nashua.

Senator Packard introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Transportation:

Senate Bill No. 21, An Act relative to the registration of motor vehicles by manufacturers or dealers.

Senate Bill No. 22, An Act relative to the sale of motor vehicles unfit for reconditioning for use upon the highways.

### **Special Order of Business at 11:01**

Senator Cleveland called for the special order of business at 11:01. It being question on the adoption of the concurrent

resolution relative to the dedication as a national shrine of the Cathedral of the Pines at Rindge, New Hampshire.

On a *viva voce* vote, the affirmative prevailed, and the above captioned concurrent resolution was adopted.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred Senate Bill No. 10, An Act relative to correction of assessments for payment of income taxes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Question being: On the adoption of the recommendation of the Committee on Judiciary on the above entitled bill.

The President recognized Senator Cleveland, District No. 7, for an explanation of the bill, as follows:

"In accordance with the procedure initiated last session, the chairman of the committee presenting a committee report to the Senate would speak very briefly on the bill. The purpose of this procedure was simply to inform the other members of the Senate the contents of the bill and thus acquaint them and give them a working knowledge of the bill. This was done because from time to time bills swept through the Senate without their intent being realized by some of the members. And then at some later date, the question would come up as to something contained in the bill, and the bill would then have to be recalled from the Governor. It was found that this practice eliminated most of these uncertainties."

"Senate Bill No. 10 is a very simple bill. It simply changes the time from two years to six years — the length of time that the State of New Hampshire can check back on income taxes. This bill allows the State to go back six years as does the federal government."

Question being on the adoption of the report of the Committee on Judiciary on the above bill.

On a *viva voce* vote the affirmative prevailed, the report of the committee was adopted, and the bill was ordered to a third reading and final passage by title only this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 11, An Act relative to certificates as to payment of legacy taxes, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7, Chairman of the Committee on Judiciary, to explain the bill as follows:

“Senate Bill No. 11 is an inconsequential bill. It simply changes the words ‘State Treasurer’ to the ‘Director of legacy and inheritance taxes.’ This was an oversight last year and this correction is all that the bill does.”

Senator Rainie, District No. 15, requested permission to ask a question of Senator Cleveland, District No. 7, which was granted by the Chair.

Senator Rainie questioned Senator Cleveland to make certain that this was all the above bill did, stating that several people had been disturbed by the thought that this bill might be creating some new bill or might add something to the present law. He stated that he had assured them that this does not do this and that the change in title is the only change.

Senator Cleveland reassured Senator Rainie that this law makes no change whatever except as stated above; but added that he would be perfectly willing to have this checked again if Senator Rainie desired him to do so.

Senator Rainie accepted Senator Cleveland’s explanation.

Question being on the adoption of the report of the Committee on Judiciary on the above bill.

On a *viva voce* vote the affirmative prevailed, the report of the committee was adopted, and the bill was ordered to a third reading and final passage, by title only, this afternoon at 2:00 o’clock.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o’clock to be made in order at the present time.

### Afternoon Session

### Third Reading of Bills

The following entitled bills were read a third time, passed, and sent to the House for concurrence:

Senate Bill No. 10, An Act relative to correction of assessments for payment of income taxes.

Senate Bill No. 11, An Act relative to certificates as to payment of legacy taxes.

On motion of Senator Rogers, District No. 6, the following resolution was adopted:

*Resolved*, That when the Senate adjourn today, it be to meet next Tuesday morning at 11:00 o'clock.

The President recognized Senator Karkavelas, District No. 21, for a point of information.

Senator Karkavelas: "In your remarks this morning relative to Joint Rule 12 in regard to bills, am I to understand that the Senate will go along as it has in the past and that bills may be introduced after the deadline?"

The President stated: "This is correct. This year, after the 17th of January at 5:00 o'clock, no bill is to be allowed to be introduced except through arrangement by the Rules Committee or by suspension of the rules by the whole Senate. In order to make it unnecessary for the Senate to go through the more or less routine suspension of rules for every bill, the Rules Committee voted that they would not step in and attempt to prevent the admission of any bill, but would approve the admission of any bill until a later date."

Senator Cleveland, District No. 7, gave additional remarks on the same subject: "I understand it also to be the intent of the Rules Committee that although we have not yet set any date, we would hope to set a date which will be somewhat earlier than usual. This is simply to serve notice to the Senators, and particularly to the new Senators, that they should be getting their bills in as soon as possible. If some of the Senators are having a delay in getting their bills written, the bills may be filed by title only and the full detail of the bill filled in later. It is hoped by the Rules Committee that the bills will be coming in soon and then we can get our work through, and let us get out of here."

The President recognized Senator Bennett, District No. 5, for a point of information, asking if the Senate had as yet adopted the joint rules of the House and Senate.

The President stated that this had been done the first day of the session.

The President recognized Senator Humphreys, District No. 24, for a point of information, stating that he believed it had been said that members of the Senate could introduce a bill by title only, and asking if there was any rule on this procedure.

The President stated that Senator Humphreys' understanding was correct. Before the Rules Committee sets a date on which they may clamp down, the Senate members may introduce a bill by title only, stating the purpose of the bill and the name of the sponsor.

The President recognized Senator Rainie, District No. 15, for a point of information.

Senator Rainie stated that in the House last year a rule was adopted that the discussion of a bill should not take place until 24 hours after the committee report had appeared in the Journal. In the House, it was found to be of great advantage, particularly as some bills require more information than can be done in a few minutes.

He further raised the question if such a rule might not be helpful in the Senate.

The President recognized Senator Cleveland, District No. 7, for brief remarks in connection with Senator Rainie's suggestion, as follows:

"I believe in the House that such a rule as you mention is a very good idea, but not necessary in the Senate. It would cause undue delay in our work. For this very purpose, we call on our Chairman to state briefly the subject matter of the bill. We did this satisfactorily last year and if we find that more time is needed to check over a bill, we can always lay on the table until the next day and then after the bill has been checked over to the satisfaction of the Senators, it can be taken off the table, and acted on."

The President stated that the Senate can make its own rules and if the Senator thinks something important can be accomplished by such a rule, he may introduce the same.

On motion of Senator Rogers, District No. 6, the Senate adjourned.

TUESDAY, JANUARY 22, 1957

The Senate met according to adjournment.

Senator Cleveland, District No. 7, presiding.

The presiding officer stated that although there were no guests in the Senate Chamber to be introduced this morning, he did wish to make mention and have recorded in the Journal that the former Senator from District No. 2, Curtis C. Cummings of Colebrook, had been in the Senate Chamber renewing old acquaintances before the session.

### Notices

The presiding officer made the following announcement:

"I believe that all of the Senators have received letters from the 'real' Governor, inviting you to his office for a meeting tomorrow morning at 10:30. Inasmuch as the Committee on Claims and the Committee on Ways and Means have important hearings scheduled at that time, the Governor will meet with the Senators on both of these committees at a later date."

The presiding officer called the attention of the members of the Senate to a discrepancy contained in the Journal of the House and Senate for Thursday, January 17th. He stated that the committee hearing listed in the Senate Journal called for a committee hearing of the Senate Committee on Claims only; whereas the committee hearing should have been listed as a joint committee hearing of the Senate and House Committees on Claims. He further stated that the above mentioned committee hearing would be held in the upstairs lobby of the State Library tomorrow morning at 10:00 o'clock. He further stated that for the benefit of Senators who have not attended a hearing in the State Library before, he would state that it is the building directly across the street, the Park Street side of the building.

### Resolution

The presiding officer recognized Senator Bennett, District No. 5, for the purpose of introducing the following resolution:

*Resolved*, That the Clerk of the Senate be instructed to transmit the following letter to Attorney General, Louis C. Wyman:

January 21, 1957

LOUIS C. WYMAN, *Esquire*  
Attorney General  
The State of New Hampshire  
State House  
Concord, New Hampshire  
DEAR SIR:

In the past there has arisen some conflict of opinion as to the interpretation of Article 18, Part Second of the Constitution of the State of New Hampshire.

The Supreme Court, in 1901, rendered an opinion which is found in New Hampshire Reports 70:642.

Herewith attached are two bills, sponsored by Senator Edward J. Bennett of Senatorial District No. 5, which bills the Senator desires to introduce through the Senate.

Inasmuch as the propriety of introducing these bills through the Senate, and other bills which do not levy new taxes or simply raise, lower or repeal existing taxes, fees, fines, etc., has been questioned by the Speaker of the House, the Honorable W. Douglas Scamman of Stratham, we are asking you to interpret the above mentioned Supreme Court ruling, advising us whether or not our action is correct and proper in introducing them to the Senate.

Kindly return the attached bills with your opinion.

Very truly yours,

ERALSEY C. FERGUSON, *President*  
The New Hampshire State Senate

Senator Holmes, District No. 12, requested permission to ask a question of Senator Bennett, District No. 5, which was granted by the Chair.

Senator Holmes: "To what part of the Constitution does this resolution refer?"

Senator Bennett: "The resolution refers to Article 18, Part 2."

The presiding officer inquired of Senator Holmes if she desired the resolution to be read again.

Senator Holmes replied in the negative.

Senator Caron, District No. 17, requested that the resolution be read again.



The presiding officer requested the Clerk of the Senate to read the resolution again.

The Clerk read the resolution a second time.

Senator Holmes read Article 18 from the Constitution and raised the question that the subject contained therein was not pertinent to the resolution.

The presiding officer informed her that she was reading Part 1 of Article 18 and not Part 2 of Article 18.

Senator Holmes acknowledged the correction.

Senator Packard, District No. 16, requested the acting President to enlighten him as to just what this resolution intended to correct.

The presiding officer replied as follows:

"It is my understanding that the bills to be introduced by Senator Bennett, District No. 5, are bills that will levy a fine and there seems to be some question as to whether these bills should originate in the House rather than in the Senate. The Speaker of the House maintains the bills should originate in the House. This resolution is an attempt to reconcile these two points of view. The question is, should these bills be introduced in the House or can they be introduced in the Senate? It is true that any legislation that imposes a tax must originate in the House, but these bills do not do this — they simply levy a fine."

The presiding officer recognized Senator Karkavelas, District No. 21, for a point of information.

Senator Karkavelas brought to the attention of the Senate the fact that although money bills originate in the House they may be amended in the Senate to increase or decrease revenue.

The presiding officer recognized Senator DeLude, District No. 8, who stated that it would seem to her that this definitely was a question of whether the Senate may introduce bills that are money bills, and that she would be in favor of a ruling from the Attorney General on the matter.

Question being on the adoption of the resolution.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

### **Introduction of Senate Bills**

Senator Bennett, District No. 5, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Fisheries and Game:

Senate Bill No. 23, An Act relative to open season for taking wild deer.

Senator Rogers, District No. 6, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Banks and Insurance:

Senate Bill No. 24, An Act concerning investments by savings banks in mortgages of improvements on land subject to a United States Forest Service permit.

Senators Rogers, District No. 6, and Humphreys, District No. 24, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 25, An Act relating to gifts of securities and money to minors.

Senator Karkavelas, District No. 21, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 26, An Act establishing a department of personnel under the direction of a personnel commission.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 1, An Act providing additional funds for the payment of so-called Korean bonus.

House Bill No. 3, An Act relative to posting notices for caucuses.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Joint Committee of Military and Veterans' Affairs and Finance:

House Bill No. 1, An Act providing additional funds for the payment of so-called Korean bonus.

To the Committee on Ways and Means:

House Bill No. 3, An Act relative to posting notices for caucuses.

### **Announcement**

The presiding officer stated that he would take this opportunity to make an announcement relative to rooms for committee hearings. He stated that the Senate Judiciary room, 307, is available to the Senate on a full time basis. His Judiciary Committee holds its hearings in the morning, so almost any afternoon the room would be available for other committee hearings. Also, the Senate has first claim, after the House, to Room 317, and when the present Room 100 (personnel) is turned loose to the House, the Senate will then have Room 317 full time. Any Chairman who has a hearing and cannot use or obtain either of these two rooms, there are other rooms available in the Annex and in the State Law Library and also House rooms, when available.

On motion of Senator Caron the rules of the Senate were so far suspended as to permit all business in order this afternoon at 2:00 o'clock to be made in order at the present time.

### **Afternoon Session**

#### **Commendation**

The presiding officer recognized Senator Packard, District No. 16, who made the following statement to the Senate:

"In reading the Journal the past weekend, I want to commend the person responsible for getting the Journal out in such full and complete form. It was a clear and concise record of the proceedings."

The presiding officer thanked Senator Packard, District No. 16, and stated that he shared his feelings, and further stated that it was nice to see all details in print.

On motion of Senator DeLude, District No. 8, the Senate adjourned.

WEDNESDAY, JANUARY 23, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate Messrs. Gerard Boisvert, William J. Mooney and Lucien C. Lavallee, all of Manchester, who were the guests of Senator Caron, District No. 17. Also, Mr. John Moore, the son of Representative Reuben Moore of Bradford, who was the guest of Senator Anderson, District No. 9.

### **Introduction of Bills**

Senator English, District No. 11, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 27, An Act to enable the town of Rindge to establish a trust fund.

Senator Cleveland, District No. 7, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 28, An Act relative to the legalization of town or school district meetings.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 10, An Act relative to Contoocook Fire Precinct.

The message further stated that the House of Representatives has passed the following captioned concurrent resolution, in the passage of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

Protesting the reported atrocities of Soviet Russia and the Kadar government, so called, against the Hungarian people.

*Whereas*, the people of the State of New Hampshire are well aware of the tremendous struggle put forth by the courageous and freedom loving citizens of Hungary against the communistic tyranny and aggression of Soviet Russia, and

*Whereas*, they look with horror and revulsion upon the blood-letting and massacre of Hungarians and inasmuch as frustration for the most part marks our inability to help these liberty loving people, and

*Whereas*, by public report, this General Court understands that the new Hungarian regime of the Kadar government has been appointed by the Government of Soviet Russia, and

*Whereas*, such government, according to public report, has been totally against the wishes of the Hungarian people, and

*Whereas*, the said government is reported to completely disregard humanitarian principles, therefore be it

*Resolved*, by the House of Representatives, the Senate concurring that we, the members of the New Hampshire General Court do hereby denounce and protest the atrocities inflicted upon the Hungarians by the Communist Government of Soviet Russia and by the said Kadar government and offer moral condemnation of such inhuman acts, and be it further

*Resolved*, That the Secretary of State be instructed to transmit a copy of this resolution to each member of our Congressional Delegation in Washington and to the Clerk of the Foreign Relations Committee of the United States Senate.

Question being on the adoption of the above concurrent resolution.

The President recognized Senator English, District No. 11, who stated that he felt certain that all the members of the Senate were in deep sympathy with the point of this resolution, and that he realizes there will be several others brought before the Legislature of the State of New Hampshire. Further stated that this type of thing had always seemed to him to be a little baffling and confusing. He further stated that he thinks resolutions of this type should be referred to some committee. The only objection would be as to the point of official form. Senator English stated that he certainly believes all of the members of the Senate are in favor of these thoughts.

The President inquired of Senator English if he were suggesting that this resolution should be referred to a standing committee of the Senate.

Senator English replied that he was not suggesting that. He had thought by his remarks above that it might open up a general discussion of the Senate.

The President recognized Senator Rainie, District No. 15, who stated that it would seem to him that the Senate might act upon the above resolution at once as the Senate certainly was spontaneous in their reaction to the thoughts expressed in the resolution. He further suggested that the resolution be read again.

Senator Holmes, District No. 12, was recognized by the President and raised the question of whether or not this concurrent resolution above was the result of the action of the House Judiciary Committee in the combining of two such resolutions having been introduced in the House.

The President replied that he was unable to answer this question as he did not know.

The President recognized Senator Cleveland, District No. 7, who remarked as follows:

"I wonder if it might not be agreeable to the Senate to have this resolution laid upon the table, and made a Special Order of Business tomorrow morning at 11:01 a. m.

"The resolution will be printed in today's Journal, and will thus afford the members of the Senate an opportunity of studying it. Then, as Senator Rainie, District No. 15, has urged it will not only be spontaneous, but will also have been given good consideration."

Senator Cleveland now made the motion that consideration of the above resolution be made a Special Order of Business for tomorrow morning at 11:01 a. m.

On a *viva voce* vote, the affirmative prevailed, and the above motion of Senator Cleveland, District No. 7, was adopted.

### **Read and Referred**

The above entitled bill, sent up from the House of Representatives, was read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 10, An Act relative to Contoocook Fire Precinct.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 15, An Act relative to date of annual assessment in unincorporated places.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Question being on the adoption of the report of the Committee on Judiciary.

The President recognized Senator Cleveland, District No. 7, who explained the above bill as follows:

"This bill changes the wording in the law from January to July. The purpose of the bill is as follows: Unincorporated places are assessed and payment of taxes are for the benefit of the Department of Education. This assessment heretofore has taken place in January, which is a very busy period for the Tax Commission. They wish this assessment to take place in July which is their least busy season. This is the only thing that this bill does."

Question being on the adoption of the report of the Committee on Judiciary on the above entitled bill.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading and final passage this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 17, An Act to amend the charter of the Wentworth Home for the Aged.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An Act to amend the charter of the Wentworth Home for the Aged and the charter of the Young Men's Christian Association of Laconia.

Amend the bill by adding after section 1 the following new section:

2. *Young Men's Christian Association of Laconia*. Amend section 2 of Chapter 181 of the Laws of 1891 by striking out the words "twenty-five thousand" in the fourth line and inserting in place thereof the words, two hundred and fifty thousand, so that said section as amended shall read as follows: Sect. 2. *Young Men's Christian Association of Laconia*. Said corporation may have and use a common seal, and alter the same at pleasure, may take and hold, by gift, grant, purchase, devise, or otherwise, real and personal estate to an amount not exceeding two hundred and fifty thousand dollars, for the use, objects and benefits of the corporation, and the same manage and dispose of at pleasure, may lease or erect and maintain suitable buildings for its use, and being incorporated for the purposes aforesaid, the real estate owned by it shall be exempt from taxation.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted.

Question being on the adoption of the report of the Committee on Judiciary.

The President recognized Senator Cleveland, District No. 7, to explain the above bill.

Senator Cleveland spoke as follows: "I will speak on the amendment and also on this bill. This bill was put in initially to amend the charter of the Wentworth Home of the Aged in Dover. The purpose of this bill was to do two things: to change the word 'lady' to 'persons' as originally the Wentworth Home was set up only for women but now they want to make its facilities available for both men and women. The charter originally imposed limitation of one hundred fifty thousand dollars. They are already up to four hundred thousand dollars. This bill raises the limitation to one million dollars. Now, relative to the amendment. Senator Rogers, District No. 6, had much the same problem in relationship with the Young Men's Christian Association in Laconia. This is the amendment, and all that the amendment does."

The President recognized Senator Rainie, District No. 15, who stated that it was obvious that the above two matters are purely perfunctory; they involve no issue of any sort. They simply enlarge the limitation on these two corporations. How-



ever, he did object to the manner in which this was done. He stated that he could see no reason why something like this should be tacked on to another bill. There is no reason for this to be done at this time. This method is usually used in an effort to conceal something, and he stated that he wished to express his objection to this method of legislating.

The President stated that if there is sufficient objection to this type of thing, he would be happy to entertain a motion to recommit the bill with amendment to the Committee on Judiciary and ask that committee to initiate an entirely different bill relative to the Y. M. C. A. at Laconia.

The President stated that he was in sympathy with the attitude of Senator Rainie and whereas in this case, it is more or less a matter pertaining to the same purpose, it does refer to two entirely different institutions.

The President recognized Senator Cleveland, who made the following remarks: "I would be perfectly willing to take the bill back to the Judiciary Committee for any disposition the Senate may instruct them to abide by. I would say this, this procedure was one recommended by myself and in good faith. This is not a controversial matter and I question the matter of spending money in the printing of an additional bill and the setting up of two different hearings on these bills. The title has been amended and clearly explains the whole thing. It is perfectly true that people have used an amendment to a bill in the past as a means of getting something passed, as stated by the Senator from District No. 15."

Senator Rainie, District No. 15, stated that he would offer no objection to this proposed bill. That he did not wish to make any trouble, but that he was definitely opposed to this method, and would oppose any of this type of amending occurring again.

The President recognized Senator Lamontagne, District No. 1, who stated that the Judiciary Committee had gone over the matter very thoroughly and had given it a lot of consideration, and as Senator Cleveland has stated, this procedure does save time and money. He further stated that he was certain that Senator Rogers, District No. 6, had good intention in doing it this way. He stated that he was in favor of passage of this bill as amended.

Question being on the adoption of the report of the Judiciary Committee, ought to pass with amendment.

The Chair recognized Senator Humphreys, District No. 24, who stated that he was in sympathy with the attitude of Senator Rainie, but thought that what he referred to was the case of where a new amendment is offered by the Senate itself; this was done by the committee.

Question being on the adoption of the committee report on the above entitled bill.

On a *viva voce* vote, the affirmative prevailed, amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time and passed, and sent to the House of Representatives, for concurrence.

Senate Bill No. 15, An Act relative to date of annual assessment in unincorporated places.

Senate Bill No. 17, An Act to amend the charter of the Wentworth Home for the Aged and the charter of the Young Men's Christian Association of Laconia.

The President recognized Senator Cleveland, District No. 7, for the purpose of an announcement and then for the purpose of making a few remarks, as follows:

"The Senate Judiciary Committee is considering a bill tomorrow that has not yet been returned from the printers. I hope it may be returned in the morning before our committee meets. It is a bill of some interest."

"Now, I would like to make a few remarks relative to your speech, Mr. President, about our responsibility to the people of this great State. It has occurred to me several times during the past several days in driving down and back to New London and I hear these radio ads recommending the purchase of gov-

ernment bonds. I thought that I would avail myself of this opportunity to make a few remarks. Several of our New Hampshire savings banks are paying more than 3 per cent and are U. S. guaranteed. In addition, the money is put into the construction of homes and businesses for the people of New Hampshire. Certainly this is for the best interests of the people of this State, and should be considered rather than putting the money into these government bonds. I believe that the people of New Hampshire should understand that at a good bank, protected by the government, and where the money is to be spent right here in New Hampshire is worthy of more consideration, rather than putting their money in government bonds."

### Announcements

The President recognized Senator English, District No. 11, for the purpose of bringing to the Senate greetings from Congressman Perkins Bass, a former President of the Senate. Later on, Mr. Bass hopes to pay his respects in person to the 1957 Senate.

Senator English requested the members of the Claim Committee to meet with him in the southeast corner of the Senate Chamber for a few minutes after adjournment.

Senator Rainie announced that the Ways and Means Committee would be holding a hearing in Room 317 tomorrow morning at 10:00 o'clock. He announced that bills of some importance are to be considered and that he would request his committee to be on time.

The President announced to the Senate that he understood that the House had passed a concurrent resolution inviting the Honorable Senate to meet with them at 11:00 o'clock Thursday for the purpose of receiving His Excellency the Governor, and any communication that he may be pleased to make, but could not message it to the Senate as the Senate was in the process of adjournment.

On motion of Senator Anderson, the Senate adjourned.

THURSDAY, JANUARY 24, 1957

The Senate met according to adjournment.

### **Leave of Absence**

Senator Anderson, District No. 9, requested leave of absence for the day on account of important business, which was granted by the President.

### **Introduction of Guest**

The President welcomed to the floor of the Senate Mrs. James P. Rogers of Laconia, the wife of Senator James P. Rogers, District No. 6.

### **Introduction of Bill**

Senator Rainie, District No. 15, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 29, An Act amending section 1, chapter 126 of the Laws of 1878 incorporating the Conference of Baptist Ministers in New Hampshire, by changing its name and altering its purposes.

### **Committee Reports**

Senator Merrill, for the Committee on Banks and Insurance, to whom was referred:

House Bill No. 6, An Act relative to borrowing by credit unions.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Merrill, District No. 23, to explain the bill, as follows:

“Just a brief report of explanation. The purpose of the bill is to clarify the provisions allowing credit unions to borrow money. They, of course, have the authority to borrow money at the present time, but the Bank Commissioner wished specific authority as to this being done at the annual meeting or special meeting called for that purpose. This procedure has the approval of the commissioner.

The recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Merrill, for the Committee on Banks and Insurance, to whom was referred:

House Bill No. 7, An Act relative to destruction of records of liquidation of banks by the bank commissioner.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Merrill, District No. 23, to explain the bill, as follows:

"The purpose of this bill is obvious by the wording of the title. At the present time, these records of liquidation of banks are held for fifteen years. This bill reduces the time to ten years. The preservation of all records is permanent in the Superior Court, so that if at any time it becomes necessary to obtain information, it can be obtained from that source."

The recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Merrill, for the Committee on Banks and Insurance, to whom was referred:

Senate Bill No. 12, An Act relating to permitting domestic insurance companies' investments to be held in the name of a nominee.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Merrill, District No. 23, to explain the bill, as follows:

"The purpose of this bill, which was supported by the Peerless Insurance Company and the Grange Insurance Company in Keene, and I believe the United Life here in Concord, would provide that the securities of these companies, or any investment companies, could be held in the name of a nominee which might be a bank or trust company. For example, one company stated that they had several million dollars in securities in New York City. In order to sell these securities, as is

necessary from time to time, it is necessary to send them back to the Home Office for signature. It means time and money. This provision in the law would allow insurance companies to eliminate this and to provide that the bank in New York City could be named as nominee of the company."

The recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Special Order**

Senator Cleveland, District No. 7, called for the Special Order, it being adoption of the concurrent resolution relative to the atrocities imposed upon the people of Hungary.

The President recognized Senator Holmes, District No. 12, who stated briefly that yesterday when she spoke on this resolution as did Senator English and Senator Rainie, she had asked the question of the President if this resolution was the result of two resolutions having been combined by the Judiciary Committee and he could not answer the question. Also, no Senator apparently could answer the question either. She, therefore, had inquired and found this to be true. She further stated that she felt that the Senate had had ample time to consider the resolution and hoped that there would be no further delay in its adoption.

Question being on the adoption of the above concurrent resolution:

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time and that when the Senate adjourn today, it be to meet next Tuesday morning at 11:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time and passed:

House Bill No. 6, An Act relative to borrowing by credit unions.

House Bill No. 7, An Act relative to destruction of records of liquidation of banks by the bank commissioner.

Senate Bill No. 12, An Act relating to permitting domestic insurance companies' investments to be held in the name of a nominee.

### **Announcement**

The President called the attention of the Clerks of the various committees to sections 10, 11 and 14 of chapter 14 of the Revised Statutes Annotated. He stated he believed it would be of assistance to them in their work if they would refer to these sections.

### **Resolution**

Senator Horner, District No. 3, offered the following resolution:

*Whereas*, yesterday, January 23rd, was the birthday of our fellow Senator, Dean B. Merrill, District No. 23, therefore be it

*Resolved*, That we extend to our fellow member birthday greetings and felicitations on this happy occasion and upon his membership in the Jack Benny Club.

The above resolution was adopted by a rising vote of the Senate.

The President recognized Senator Merrill, who desired to make an observation:

"For the benefit of my fellow Senators of the male sex, never tell a woman anything."

On motion of Senator Rhodes, District No. 10, the Senate adjourned.

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TUESDAY, JANUARY 29, 1957

The Senate met according to adjournment.

### **Leave of Absence**

Senator Merrill, District No. 23, requested leave of absence for the day on account of important business. The request was granted by the President.

### Introduction of Guests

The President welcomed to the floor of the Senate Mrs. Margaret E. Rhodes, the wife of Senator Rhodes, District No. 10, and their son Allen L. Rhodes. Also, Mr. George Cheney of Manchester, who was the guest of Senator Packard, District No. 16.

### Communication

The President stated that he had received a very nice letter from Mrs. Ethel T. Cole, the widow of former President of the Senate William M. Cole, in whose memory the Senate adopted a resolution a week or so ago, acknowledging receipt of the resolution and thanking the Senate for their sincere thoughtfulness in mailing a copy of this resolution to her. The President further stated that the communication will be spread on the Journal of the Senate of today.

75 East Broadway  
Derry, N. H.  
January 24, 1957

New Hampshire Senate  
Concord, N. H.

#### MEMBERS OF THE SENATE:

Today I have received the State of New Hampshire resolution on the death of my husband, William M. Cole.

I accept these with a great deal of personal feeling.

The years which he spent in the interest of his State, County and Town were among his pleasantest memories.

Although he had not been active in State affairs recently his interest in its welfare never lessened.

With deep appreciation, I am

Sincerely yours,

(Mrs.) ETHEL T. COLE.

### Introduction of Bills

Senator Anderson, District No. 9, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Public Health, Welfare and State Institutions:

Senate Bill No. 30, An Act to make more definite the exceptions to the nurse practice act.



Senator Rogers, District No. 6, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Banks and Insurance:

Senate Bill No. 31, An Act providing that temporary loans may be made for a period not exceeding one year.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 27, An Act relating to false procurement of narcotics.

House Bill No. 29, An Act defining the term "governor and council."

House Bill No. 45, An Act relative to appearance of police officers in civil or criminal proceedings.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Public Health, Welfare and State Institutions:

House Bill No. 27, An Act relating to false procurement of narcotics.

To the Committee on Judiciary:

House Bill No. 29, An Act defining the term "governor and council."

House Bill No. 45, An Act relative to appearance of police officers in civil or criminal proceedings.

### **Committee Reports**

Senator Daniel, District No. 19, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 20, An Act relating to salaries of certain officials of the City of Nashua.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15, the Chairman of the Committee on Ways and Means, to explain the bill, as follows:

"Just a word about this bill which raises the Mayor's salary from \$3,500 to \$5,000, and salary of the Alderman at Large from \$200 to \$400, and provides an additional \$100 fee for small acts performed by the Board of Aldermen. Five or six members of the Legislature from Nashua appeared in favor of this bill. No one appeared against it. The salary of \$3,500 for the Mayor of Nashua is ridiculous. He has many responsibilities and if he is worth anything at all, \$5,000 is little enough. The committee was unanimous in favor of the passage of this bill. It will be referred to the Nashua Delegation in the House where it will be the subject of more scrutiny than here."

The President recognized Senator Cleveland, District No. 7, who spoke about the above bill, as follows:

"I rise to speak in connection with the committee report. I am not going to oppose this bill, but would like to point out to the members of the Senate that while this is something typical of what we have to do here, it is something I believe should be handled in a different way. The Senate is establishing a rate of pay in the City of Nashua, which is something which should be entirely up to the citizens of Nashua. I have spoken on this method of home rule for the past three sessions. The Senator from District No. 5 and myself have a bill that we hope the Senate will act favorably on when it is introduced at a later date, which will correct this type of thing. I do not think it is fair to vote against this bill at the present time, but I do question the wisdom of the General Court acting on bills of this type. I hope before the end of this session that legislation will be adopted that will turn over matters of local concern to local citizens."

The President recognized Senator Rainie, District No. 15, who expressed his wholehearted support of what Senator Cleveland had said. He stated: "I spent quite a little time in the Constitutional Convention in an attempt to frame a reso-

lution with provisions that might clear up this interference of the Legislature with local affairs. At the present time, this is the only way that this situation can be handled and we must go along with it."

Question is on the adoption of the recommendation of the committee, ought to pass.

On a *viva voce* vote, the affirmative prevailed, the recommendation was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 26, An Act establishing a department of personnel under the direction of a personnel commission.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7, to speak on the bill, as follows:

"The purpose of this bill is to take the Division of Personnel out from under the Department of Administration and Control and make it a separate department. According to Mr. Bean, it has not proved workable to have it under his direction. Mr. Lang finds it difficult to work as a Division of the Department and this is a housekeeping measure which has the approval of the interested parties involved and also the Governor."

The recommendation of the committee was adopted.

The bill being on its second reading, was open to amendment.

The President recognized Senator Packard, District No. 15, for the purpose of information concerning the bill. He requested permission to ask Senator Cleveland a question or two, which was granted by the President.

Senator Packard asked Senator Cleveland just what this bill provided that was different than in the present law.

Senator Packard asked if there was a definite time of appointment in this bill and under what rule and recommendation does it operate.

Senator Cleveland replied, as follows: "At the hearing

on this bill, we were advised that there is no change in the number of personnel and no change in the tenure of personnel. All this bill does is change the word "division" to "department."

Senator Cleveland requested a five minute recess, which was granted by the President.

(Recess)

The Senate re-assembled.

On motion of Senator Rainie, District No. 15, the bill was laid upon the table and made a Special Order of Business tomorrow morning at 11:01 o'clock.

The President recognized Senator Rogers, District No. 6, who moved that the concurrent resolution relating to changes in joint rules of House and Senate be taken from the table.

On a *viva voce* vote, the affirmative prevailed, and the concurrent resolution was taken from the table.

Senator Rogers offered the following amendment to the concurrent resolution:

*Resolved* that that portion of the concurrent resolution adopted by the House and sent to the Senate for concurrence therein, relative to effective dates of bills and adoption of joint rules, be amended so that said section of the joint rules of the Senate and House of Representatives shall read as follows:

### Concurrent Resolution

*Resolved* by the House, the Senate concurring

*That* the joint rules of the Senate and House of Representatives as adopted by the House and Senate for the session of 1955 be adopted for the present session with the following additional rule:

13. Unless otherwise specifically provided by the general court, each law, other than a resolution, passed by the general court shall take effect on the sixtieth calendar day following passage, excluding the date on which it is signed by the governor, or the last date on which the general court acts on the matter, as the case may be. The secretary of state shall so record the date each law was enacted and its effective date on all engrossed and printed copies of each law, and such record shall be conclusive.

The President announced that this resolution proposed by Senator Rogers will be printed in today's Journal and taken up at some later date.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading of Bill**

The following entitled bill was read a third time, and passed:

Senate Bill No. 20, An Act relating to salaries of certain officials of the City of Nashua.

#### **Resolution**

On motion of Senator Caron, District No. 17, the following resolution was adopted by a rising vote:

*Whereas*, Sunday, January 27th, was the birthday of our genial former Senator and now Sergeant-at-Arms, Nathan A. Tirrell, Therefore, be it

*Resolved*, That we extend to Mr. Tirrell birthday greetings and felicitations on this happy occasion.

#### **Announcements**

Senator DeLude, District No. 8, announced that she wished to call the attention of her fellow Senators, and particularly the new Senators, to the book on State Government and urged them to read the book. She suggested that if the members of the Senate were interested, they might contact the Clerk, who in turn would make certain that the book was sent to them.

Senator Lamontagne, District No. 1, announced that there would be a short meeting of the members of the Democratic party in the Senate Chamber, immediately following adjournment.

On motion of Senator English, District No. 11, the Senate adjourned.

WEDNESDAY, JANUARY 30, 1957

The Senate met according to adjournment.

### Announcement

The President announced that he was in receipt of a letter from the Attorney General in reply to the letter which he wrote him, inquiring as to the propriety of introducing in the Senate two bills having to do with increased fees of the Fish and Game Department. He further stated that the Attorney General's ruling was that it would be entirely proper for these bills to be introduced through the Senate and that they will be introduced this morning. The President then instructed the Clerk to have this letter printed in today's Journal.

January 30, 1957

Honorable Eralsey C. Ferguson  
President, New Hampshire Senate  
Concord, New Hampshire

DEAR PRESIDENT FERGUSON:

You have inquired whether two bills — one establishing a special fund for payments to persons killed or injured from accidental shooting, and the other establishing a special fund for towns and cities for deer killed therein — are required to be introduced in the House of Representatives in consequence of the enjoinder of *Article 18 of Part Second, New Hampshire Constitution*, that "All money bills shall originate in the house of representatives; but the senate may propose, or concur with, amendments, as on other bills."

Article 18 of Part Second was the subject of an advisory *Opinion of the Justices* of the New Hampshire Supreme Court on March 6, 1901, at which time the General Court requested an interpretation of the history of this constitutional provision and whether the phrase "all money bills" was something more or something less than the phrase in the temporary Constitution adopted on January 5, 1776, "That all bills, resolves, or votes for raising, levying, or collecting money originate in the house of representatives." In its Opinion the Supreme Court ruled that it was of the opinion that all bills for the raising of revenue must originate in the House of Representatives, but that all other bills might originate in the

Senate. Our highest Court found that early practice on this point in this State was the same as in the Commonwealth of Massachusetts, and cited the *Opinion of the Justices*, 126 Mass. 557.

Examination of the precedents, the Massachusetts practice, and the Opinion of the Justices above cited compels the conclusion that the phrase "all money bills" includes general revenue measures and does not extend to bills having other valid purposes and as a part of which either an appropriation is required or a fee or fine is proposed ancillary to the accomplishment of a legislative purpose distinct from the raising of general revenue.

The proposed act establishing a municipal deer fund is amendatory to RSA 208, which is a general statute dealing with game animals. As such it is not, in my opinion, a general revenue measure required by Part Second, Article 18, to originate in the House of Representatives. In the same sense the act purporting to create a hunters' compensation fund is amendatory to RSA 214, the general statute providing for licenses for hunters, fishermen, trappers and others. As such this act also, in my opinion, is not a general revenue measure and is not required to originate in the House of Representatives.

Respectfully submitted,

LOUIS C. WYMAN

*Attorney General*

### **Introduction of Bills**

Senator DeLude, District No. 8, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 32, An Act relative to out-of-state parolee supervision.

Senator DeLude, District No. 8, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 33, An Act relative to supervision of reports of income by certain county and municipal officers.

Senator Paquette, District No. 13, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Finance:

Senate Bill No. 34, An Act authorizing the attorney general to establish a police training school.

Senator Bennett, District No. 5, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Fisheries and Game:

Senate Bill No. 35, An Act establishing a special fund for towns and cities for deer killed therein.

Senate Bill No. 36, An Act establishing a special fund for payments to persons killed or injured from accidental shooting.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 8, An Act relative to the unemployment compensation law and establishing the department of employment security.

House Bill No. 14, An Act legalizing the biennial election of 1956 in the town of Pittsfield.

House Bill No. 15, An Act providing for the establishment of a sixty-day period to elapse between enactment date and the effective date of statutes.

House Bill No. 16, An Act relative to non-resident hairdressers and hairdresser demonstrators.

House Bill No. 23, An Act legalizing the biennial election, 1956, in the town of Washington.

House Bill No. 25, An Act relative to initial motor vehicle number plates.

House Bill No. 26, An Act repealing the authority of the military to carry stilettos, switch knives, etc.

House Bill No. 38, An Act increasing fees for witnesses.

House Bill No. 39, An Act relative to payment of poll and head taxes prior to issuance of certain licenses.



House Bill No. 52, An Act relative to requirements for bank institutions protection against losses.

House Bill No. 72, An Act enabling the First Universalist Society of Nashua, Inc., and First Unitarian Congregational Society in Nashua, to consolidate into one corporation named, Unitarian-Universalist Church of Nashua, New Hampshire.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Labor:

House Bill No. 8, An Act relative to the unemployment compensation law and establishing the department of employment security.

To the Committee on Ways and Means:

House Bill No. 14, An Act legalizing the biennial election of 1956 in the town of Pittsfield.

House Bill No. 23, An Act legalizing the biennial election, 1956, in the town of Washington.

House Bill No. 38, An Act increasing fees for witnesses.

House Bill No. 72, An Act enabling the First Universalist Society in Nashua, Inc., and First Unitarian Congregational Society in Nashua, to consolidate into one corporation named, Unitarian-Universalist Church of Nashua, New Hampshire.

To the Committee on Judiciary:

House Bill No. 15, An Act providing for the establishment of a sixty-day period to elapse between enactment date and the effective date of statutes.

House Bill No. 26, An Act repealing the authority of the military to carry stilettoes, switch knives, etc.

To the Committee on Public Health, Welfare and State Institutions:

House Bill No. 16, An Act relative to non-resident hairdressers and hairdresser demonstrators.

To the Committee on Transportation:

House Bill No. 25, An Act relative to initial motor vehicle number plates.

House Bill No. 39, An Act relative to payment of poll and head taxes prior to issuance of certain licenses.

To the Committee on Banks and Insurance:

House Bill No. 52, An Act relative to requirements for bank institutions protection against losses.

### Committee Reports

Senator DeLude, for the Committee on Transportation, to whom was referred:

Senate Bill No. 13, An Act providing special fees for privately owned school buses.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Packard, District No. 16, for a brief word of explanation, as follows:

"All the bill does is lower the fee or annual rate on school buses which are used exclusively for school buses to a set fee of \$25 rather than by weight, as is done now. If a bus is now registered for \$125, this bill would set the maximum rate of \$25 if used exclusively for transportation of school children. There was no opposition to the bill at the public hearing and Motor Vehicle Commissioner Clarke appeared in favor of the bill."

Senator Rainie, District No. 15, asked the following question of Senator Packard:

"What is the purpose of the bill? Does it lower the expense to the school district? Does it put money in the pocket of anyone?"

Senator Packard replied, "Yes, indirectly."

Senator Packard then referred further questioning to Senator Adams, District No. 22, stating that it was his bill.

The President recognized Senator Adams, who spoke as follows:

"In reply to the Senator from District No. 15, it could be said that this bill would put extra money in the operator's pocket. As the school bus situation is now, the district will avoid payment of registration and it will avoid the gas tax which the private operator must bear, if the district owns and operates their own school buses. They get their registration free, eliminate the taxes through gas and thereby cut down the

cost of school bus transportation. It is my feeling, and also the feeling of the people who asked me to sponsor this bill, that the school committees are not set up to get into the transportation business and run it on the basis that will save their district money. Buses must be maintained, etc. This bill merely lowers the registration fee from say \$125 to a flat fee of \$25, only if they are used exclusively for school buses. If they are dual purpose buses, then they must be registered in the usual manner, Commissioner Clarke stated that there will be no difficulty in this matter to see to it that they are to be used for school purposes only. He feels that it is in the best interests of the school districts."

The President recognized Senator Holmes, District No. 12, who questioned Senator Adams, as follows:

"If this bill passes, the saving would not be reflected in this year's budget, would it?"

Senator Adams replied, as follows:

"I would hope that this bill would be passed before April 1st and would apply this year, but I cannot say."

The President recognized Senator DeLude, District No. 8, who stated that she had no objection to this bill, but that she did not believe that any school district would be saving any money on this, but the operator might.

The President recognized Senator Lamontagne, District No. 1, who spoke as follows:

"I would like to point out to the Senate an instance of what happened in Berlin. We used to have privately owned school buses in Berlin, but for the amount of the money that the owner was receiving, he had to go out of business. Berlin had to buy some of the buses and had to lease some of them in order to operate their school bus service."

The President recognized Senator Holmes, who asked Senator Packard if she understood him correctly in saying that this bill would save money for the school districts.

Senator Packard replied, "Yes, indirectly. It should reflect in the school budget if \$100 is saved."

The President recognized Senator Rhodes, District No. 10, who spoke as follows:

"I think if the school districts want to make a saving, they will own their own school buses. In my town, we own our school buses and we save money."

The President recognized Senator Cleveland, District No. 7, who spoke as follows:

"I think that the remarks of the Senator from the 10th District are open to some question, but I will not dwell on that. But I firmly believe that if a person is in business and paying taxes, I would encourage private enterprise."

Senator Adams remarked that he was somewhat amazed at some of Senator Cleveland's remarks, as he remembered quite distinctly the stand that the Senator took last session on a bill relative to the Manchester Transit Company.

The President recognized Senator Bergeron, District No. 20, on a point of information, asking if the fee charged to school buses is the same as that charged for other buses. To which question, Senator Packard replied in the affirmative.

Senator Bergeron then stated that in that event, he knew that there were many buses in this state used only for the transportation of school children and must therefore reflect a saving.

Senator Bennett asked Senator Packard if he had any information as to how many private operators this bill might aid. Stated that he was thinking of the towns in his district, particularly.

Senator Packard stated that he could not answer that question as Commissioner Clarke did not have the complete breakdown with him at the time of the hearing. But could state that there were 472 or 473 buses in the State used for school transportation purposes.

The President recognized Senator Adams, who spoke as follows:

"I believe that I can answer that question. In many cases, I think that you will find that the private operators own four or five buses for hauling school children and own one or two buses for other purposes. This would enable them to register some of them at the \$25 fee. This saving should be reflected in their fee. Of course, if this bill is passed, it is up to the school committees to see that this saving is reflected back to them."

The President recognized Senator Cleveland, who spoke as follows:

"I agree with everything that the Senator from the 22nd District has said, but he cannot convince me that any benefit will be derived."

Senator Cleveland requested a short recess for the purpose of writing an amendment, which was granted by the President.

(Recess)

The Senate re-assembled.

Senator Cleveland questioned Senator Adams, as follows:

"Is it your understanding that the legislative intent of this bill is that if a man is in the bus business with four or five buses and he can save on at least three or four dealing with the transportation of school children, do you feel that the man might then qualify for this relief for a number of his buses? Do you feel that this bill accomplishes this purpose?"

Senator Adams replied in the affirmative.

Senator Cleveland then stated that he would withdraw his motion to amend the bill.

He further stated to Senator Adams that with reference to his objection last session in connection with the Manchester Transit Company, there was another question in that measure, relative to the compensation law.

Senator Cleveland then further stated that he would now reply to Senator Adams in the way that he had been replied to last session, "Touche."

Senator Rainie stated that he was convinced that the benefits to either party would be so doubtful if this bill passes that it will not be worthwhile. He stated that he was interested in anything that might reflect money saved.

Senator Lamontagne moved the previous question.

Question being, Shall the main question now be stated?

On a *viva voce* vote, the affirmative prevailed.

This bill being on its second reading, and open to further amendment.

No amendment being offered, this bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Transportation, to whom was referred:

Senate Bill No. 16, An Act relative to certain refunds of municipal permit fees.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Packard, to explain the bill.

Senator Packard referred the explanation to Senator Lamontagne, District No. 1.

Senator Lamontagne spoke as follows: "The only thing that this bill does is if the motor vehicle does not permit the use of the highway, he can go back to the City Clerk and get a refund of the tax he has paid. If a person loses his license because of driving while under the influence, it does not apply. It merely refunds the tax money. This bill has the support of Commissioner Clarke."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House Bills:

House Bill No. 6, An Act relative to borrowing by credit unions.

House Bill No. 7, An Act relative to destruction of records of liquidation of banks by the bank commissioner.

IDA HORNER,  
*For the Committee.*

### Special Order

The President recognized Senator Rainie, District No. 15, who called for the Special Order, it being consideration of Senate Bill No. 26, An Act establishing a department of personnel under the direction of a personnel commission.

The President announced that this bill was still on its second reading and open to amendment.

Senator Rainie stated that further examination of this

bill has resulted in an almost unanimous opinion that the bill ought to pass. However, he believed that there was a small technical matter to be corrected.

On motion of Senator Rainie, the following amendment was adopted:

Amend Senate Bill No. 26 by inserting after section 3 the following new section: 4. *Department Established*. Amend RSA 8:1 by inserting the word, and, after the word "property" in the fourth line, and by striking out the words "and a division of personnel" in the fifth line, so that said section as amended shall read as follows: RSA 8:1 *Department Established*. There shall be a department of administration and control under the executive direction of the comptroller. Said department shall consist of a division of budget and control, a division of accounts, a division of purchase and property, and a division of institutional collections.

Further amend said bill by renumbering section 4 to read section 5.

The President recognized Senator Packard, who spoke as follows:

"This is not for the purpose of referring to the amendment, but merely to raise a question. Is it desirable for the Senate to act on the passage of this bill? Yesterday, I raised several questions. However, in studying the bill overnight, I wonder if there might be any discussion as to whether or not the department head might be under the tenure of office."

There being no further discussion on the matter, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

Senate Bill No. 13, An Act providing special fees for privately owned school buses.

Senate Bill No. 16, An Act relative to certain refunds of municipal permit fees.

Senate Bill No. 26, An Act establishing a department of personnel under the direction of a personnel commission.

On motion of Senator O'Brien, District No. 2, the Senate adjourned.

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THURSDAY, JANUARY 31, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate Messrs. Frank J. Sparks of Granby, Connecticut; Arnold E. Boucher of Nashua; and Reginald W. Burgess of Manchester; all being the guests of Senator Packard, District No. 16.

### **Introduction of Senate Bills**

Senator Provost, District No. 18, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Labor:

Senate Bill No. 37, An Act relative to employment of minors under liquor and beverage laws.

Senator Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 38, An Act relating to probate courts.

Senator Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 39, An Act relative to payments to state institutions.

Senator Hodgdon, District No. 4, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:



To the Committee on Fisheries and Game:

Senate Bill No. 40, An Act providing an open season for taking fish.

Senator Adams, District No. 22, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Public Health, Welfare and State Institutions:

Senate Bill No. 41, An Act relative to trustees of the Laconia State School.

Senator Lamontagne, District No. 1, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Fisheries and Game:

Senate Bill No. 46, An Act relative to ice fishing on Umbagog Lake.

The President recognized Senator Adams, District No. 22, who inquired as follows:

"Do I understand that some of the bills which I submitted this morning are going to be held up for some reason and not be introduced this morning?"

The President replied, as follows:

"That is correct. Senate Bills No. 42, 43, 44 and 45 are being held up and will be introduced on Tuesday unless there is further and strenuous objection by the Senator from the 22nd District."

The President recognized Senator Adams, who inquired if there was some question as to whether or not the four above mentioned bills would be referred to the Committee on Public Health, Welfare and State Institutions.

The President replied that there was some serious question as to whether the bills should be referred to the Joint Committee on Public Health, Welfare and State Institutions and Judiciary.

The President further stated that he had not had the opportunity of reading the above bills thoroughly and was withholding the introduction of the bills until he had time to read them.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 25, An Act relating to gifts of securities and money to minors.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend chapter 463-A:1, paragraph II of said bill by inserting after the words "industrial bank" the words, building and loan association, cooperative bank, and federal savings and loan association, so that said section as amended shall read as follows: 463-A:1, II. A "bank" is a bank, trust company, national banking association, savings bank, industrial bank, building and loan association, cooperative bank, and federal savings and loan association.

Further amend said bill by adding after the word "powers" in paragraph XIV the words, in this state, so that said section shall read as follows: 463-A:1, XIV. A "trust company" is a bank authorized to exercise trust powers in this state.

Further amend said bill by striking out the word "guardian" in paragraph IV and inserting in place thereof the words, custodian, so that said section as amended shall read as follows: 463-A:5, IV. Except as otherwise provided herein, a custodian shall not be required to give a bond for the performance of his duties.

The report was accepted.

Question being on the adoption of the amendment offered by the Committee on Judiciary.

The President recognized Senator Cleveland, District No. 7, to speak on the bill.

Senator Cleveland stated that in listening to the reading of the amendment he was uncertain if it had been drafted correctly or not and requested a short recess, which was granted by the President.

(Recess)

The Senate re-assembled.

Senator Cleveland spoke on the above entitled bill, as follows:

"I will speak on both the amendment and this bill. This bill is a rather long and perhaps, on first reading, a very complicated appearing bill. But it is not too complicated and can be explained easily. This legislation has been adopted by about fifteen states. Under the present law, it is extremely difficult to give a stock certificate to a minor because of the difficulty in transferring the stock. This is legislation which has been adopted in many states and is the type of legislation that is favored by almost anybody interested in this type of thing. It is favored by the banks, trust companies, and the bar association. This provides that if you wish to give a child or minor one share of stock, or similar small security. Under this law, it can be done simply. The court still has the authority, but this simplifies. Now, as to the amendments. The first amendment — they left out of the bill the words "Building and Loan Association, Cooperative Bank and Federal Savings and Loan Association." These should, of course, be included.

The second amendment is a correction in spelling. The third amendment strikes out the word "guardian" and puts in "custodian." The first amendment is the only important one. This bill was sponsored by Senator Rogers, District No. 6, and Senator Humphreys, District No. 24."

The President recognized Senator Packard, District No. 16, who asked permission to ask a question of Senator Cleveland, which was granted by the President.

Senator Packard: "I am a little confused, but is the age on the law on the books now eighteen?"

Senator Cleveland replied that he believed the law stated twenty-one.

Senator Packard stated that he believed it to be eighteen.

Senator Cleveland stated: "In some cases, eighteen is true, but in guardianship, etc. it is twenty-one."

Senator Packard inquired of Senator Cleveland, as follows: "Is it not true that there is a bill going through the House to lower the age from eighteen to sixteen?"

Senator Cleveland replied, "I believe that you may be referring to a bill in the House that lowers the age from

eighteen to sixteen for delinquent children, but which has nothing to do with property rights.”

Senator Rainie, District No. 15, stated that he had not read this carefully, and wished to inquire from Senator Cleveland relative to the reference to the court, and inquired if this reference was to the probate court.

Senator Cleveland replied that this was correct, contained in section 4.

Question being on the adoption of the amendment offered by the committee.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 29, An Act amending section 1, chapter 126 of the Laws of 1878 incorporating the Conference of Baptist Ministers in New Hampshire, by changing its names and altering its purposes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7, to explain the bill.

Senator Cleveland explained, as follows: “This is a bill that is necessary because the organization in question had a legislative charter. If they had held the usual charter issued from the Secretary of State, they would be able to do it. It simply changes its name and alters its purposes to include family rather than just one beneficiary. Also, permits the use of some of its funds for retreats and seminars.

On a *viva voce* vote, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Daniel, for the Joint Committee on Military and Veterans' Affairs and Finance, to whom was referred:

House Bill No. 1, An Act providing additional funds for the payment of so-called Korean bonus.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator O'Brien, District No. 2, to explain the bill, as follows:

"This bill merely completes a job that was started last session — the paying of a bonus to Korean veterans. At that time, not enough money was appropriated and this bill completes the job. The only changes are to be eligible, the veteran must have an honorable discharge, and if still in the service, the veteran must show proof that he did honorable service and is therefore entitled to the bonus, and also setting the date of July 1, 1958 as deadline for application."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Cleveland, District No. 7, wished to be recorded as having abstained from voting on this bill in the morning session and also on the passage of this bill in the afternoon session, as he stood to gain on the passage of this bill.

The President announced that he was in error in not having the following entitled bills introduced.

### Introduction of Bills

Senator Adams introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Public Health, Welfare and State Institutions:

Senate Bill No. 42, An Act relative to defective delinquents at Laconia State School.

Senate Bill No. 43, An Act relative to limitation on commitments to the Laconia State School.

Senate Bill No. 44, An Act relative to compensation to inmates of Laconia State School.

Senate Bill No. 45, An Act providing for a deputy superintendent at Laconia State School.

The President announced that the above entitled bills may be referred by him to a Joint Committee if on further study by the Chair it is deemed that they can be handled better that way.

The President requested, and stated that he did not know if anyone was to blame, but stated that he would like to be given an opportunity to read over bills before allowing their introduction to the Senate. He further stated that in most cases, they are handed to him about five minutes before going into session. Stated that he placed the blame on no one, but in the future, if possible, he would appreciate having an opportunity to discuss a bill with the Senator before its being introduced. He further stated that he would be glad to discuss this matter with any of the Senators.

The President recognized Senator Adams, District No. 22, who spoke as follows:

“The five bills referred to are bills which I introduced at the request of the New Hampshire Association for Retarded Children and had I had any idea that there would be any question as to what committee would handle these bills, I would have contacted the President and discussed the bills with him, but each bill clearly states that they are to do with the Laconia State School. In the past, bills of this type have been referred to the Committee on Public Health, Welfare and State Institutions. In the future, I will be glad to take bills up with the President so that this type of thing may be avoided. However, I did want these bills introduced this morning so as to get the bills printed for distribution over the week end.”

The President thanked Senator Adams for his remarks, and stated, “However, there are bills that may be of interest to only one department, but sometimes there are bills that do have an effect on other institutions or departments and in order to expedite the work of the Senate, they may some times be referred to Joint Committees.”

The President further stated “that while on the subject of schedule to be followed or procedure to be followed, the President would like to call the attention of the Senate that it is his hope that Senators in replying to other Senators would observe the propriety and parliamentary procedure in referring to other Senators by District, rather than by name.

“There is a rule in the Senate, Rule No. 4, which says no member shall speak more than twice on the same question on the same day without the approval of the Senate. The Chair does not wish to be arbitrary or cut off debate or question and

answer periods, such as we had yesterday, but it may be necessary to invoke this rule. Of course, if the Chair invokes this rule, it can be voted upon by the Senate. We have to handle approximately four hundred and twenty-five bills during the session and when that number of bills is divided by twenty-three or twenty-four it is not surprising that the Senators cannot be completely informed on all the ramifications of every bill so the Chair intends to be as lenient as possible, in the invocation of this rule."

The President recognized Senator Packard, District No. 16, for a question:

"In line with the President's remarks, would you interpret the asking of questions as having talked on the bill or main question?"

The President replies, as follows: "As the main question changes, such as a move to amend or lay on the table, that comes under the second question and when we get into more controversial bills, the Chair will have a great deal of trouble in keeping track of how many times a Senator speaks on a question."

The President recognized Senator Rainie, District No. 15, who offered the following resolution:

*Resolved*, That the President appoint a committee of three to prepare a resolution of appreciation to Judge Frank M. Ayer.

Pursuant to the above resolution, the President appointed members of such committee, Senator Rogers, District No. 6, Senator English, District No. 11, and Senator Adams, District No. 22.

Senator Caron, District No. 17, moved that the rules of the Senate be so far suspended as to permit all business in order for this afternoon at 2:00 o'clock be made in order at the present time, and that when the Senate adjourns today, it adjourn in honor of Judge Frank M. Ayer of Alton, our retiring Assistant Clerk, and that it be to meet next Tuesday morning at 11:00 o'clock.

### Afternoon Session

### Third Reading of Bills

The following entitled bills were read a third time, and passed:

Senate Bill No. 25, An Act relating to gifts of securities and money to minors.

Senate Bill No. 29, An Act amending section 1, chapter 126 of the Laws of 1878 incorporating the Conference of Baptist Ministers in New Hampshire, by changing its names and altering its purposes.

House Bill No. 1, An Act providing additional funds for the payment of so-called Korean bonus.

### Announcement

Judge Frank M. Ayer of Alton was honored with a testimonial by many friends at the Eagle last evening. The occasion was to pay tribute to the 83 year old Assistant Clerk of the State Senate who is retiring after 38 years of legislative service.

Following a buffet supper, letters of appreciation of the honored guest were read from the New Hampshire congressional delegation of Senators Bridges and Cotton and Congressmen Bass and Merrow and from former Senate President, now Public Utilities Commissioner, Blaylock Atherton.

Former presidents of the senate extended personal cordial greetings to Judge and Mrs. Ayer. They who recalled also, humorous and serious situations during the incumbency of Judge Ayer were: Chairman Harold K. Davison of the Public Utilities Commission, former Gov. Robert O. Blood, Gov. Dwinell and the Administration Legislative Counsel, Raymond K. Perkins.

Judge Ayer received an engraved sterling silver tray. Mrs. Ayer was presented with American beauty roses.

Senator James P. Rogers of Laconia, from Judge Ayer's district, presided in the unavoidable absence of Senate President Eralsey C. Ferguson.

The President recognized Senator Cleveland on a point of personal privilege, who addressed the Senate as follows:

*Mr. President:*

In the Concord Monitor for Friday, January 25, 1957, there was a very well publicized lead story announcing that the Rockingham Kennel Club is out to sell 5,000 shares of \$10 stock to the general public to finance their legislative battle for legalization. I have already been personally asked if this



stock would be "a good buy." I wish to answer that question publicly.

That stock is a bad buy! And it is bad business. I don't want anyone coming to me later in the session saying — the public has bought this stock — and to vote against a dog track means these public stockholders are going to lose their hard earned money. So I conceive it to be my duty right here and now to tell the public before they buy any of that stock how I'm going to vote on that issue — I'm going to vote against dog racing and work against dog racing for the reason I am absolutely opposed to any major extension of this state's dependence on gambling revenues.

I am making these remarks personally and not as majority floor leader."

On motion of Senator Horner, District No. 3, the Senate adjourned, in honor of our retiring Assistant Clerk of the Senate, Frank M. Ayer of Alton.

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TUESDAY, FEBRUARY 5, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate, Messrs. Alfred Bugeau of Berlin, and William Cotie of Wolfeboro, students at the University of New Hampshire, who were the guests of Senator Lamontagne, District No. 1. Also, Norman Provost, the son of Senator Provost, District No. 18, a student at St. Anselm's College in Manchester; Mr. Brackett, the City Manager of Concord; Chief Green of the Concord Fire Department; and fireman Frank Morono of Concord, all the guests of Senator Rainie, District No. 15. Also, John N. Carrick, student at the University of New Hampshire, who is working with the Senate Finance Committee, who was the guest of Senator Merrill, District No. 23.

### **Introduction of Senate Bill**

Senator Rogers, District No. 6, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Education:

Senate Bill No. 47, An Act to authorize the school district of Barnstead to exceed its limit of bonded indebtedness.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 5, An Act relative to capital reserve fund established by the Hillsborough School District.

House Bill No. 30, An Act increasing the salary of the clerk of the Manchester municipal court.

House Bill No. 33, An Act relating to motor vehicle violations.

House Bill No. 40, An Act legalizing the biennial election, 1956, in the town of Cornish.

House Bill No. 42, An Act relative to voting in school district meetings.

House Joint Resolution No. 3, Joint Resolution in favor of Michael P. O'Donnell, Jr., of Manchester.

### Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Education:

House Bill No. 5, An Act relative to capital reserve fund established by the Hillsborough School District.

House Bill No. 42, An Act relative to voting in school district meetings.

To the Committee on Ways and Means:

House Bill No. 30, An Act increasing the salary of the clerk of the Manchester municipal court.

House Bill No. 33, An Act relating to motor vehicle violations.

House Bill No. 40, An Act legalizing the biennial election, 1956, in the town of Cornish.

To the Committee on Claims:

House Joint Resolution No. 3, Joint Resolution in favor of Michael P. O'Donnell, Jr., of Manchester.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

House Bill No. 10, An Act relative to Contoocook Fire Precinct.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12, to explain the bill:

"I am reporting for the committee in the absence of the Chairman. This bill does three things:

1. Eliminates one board of commissioners so that the affairs of the precinct will be carried on by three commissioners which should result in a more efficient operation.

2. Gives the precinct the right to vote that the fire precinct commissioners may take over the duties and powers of the park commission.

3. Raises the debt limit to the same as provided for all village precincts. No one appeared in opposition."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

House Bill No. 29, An Act defining the term "governor and council."

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12, to explain the bill:

"This bill does exactly what it states. It simply defines the term 'governor and council' which means the governor with

the advice and consent of the council. The governor is not a member of the council."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

Senate Bill No. 5, An Act correcting an error in a reference in the provisions relative to the state library commission.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15, to speak on the bill:

"I wasn't aware that I was to be responsible for reporting on this bill, but it is merely a technicality which makes it easier for the state library to accept gifts than previously. No one appeared in opposition. Mrs. McKay, the state librarian, was the one who explained the situation and spoke before the committee."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Daniel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 4, An Act relative to benefits under the firemen's retirement system.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15, to speak on the bill:

"This is an effort on the part of the firemen's retirement board to bring the financial aspect of this retirement system up to date. The assessment from the firemen is raised from 4% to 5½% in order to bring this about. The retirement age for the retirement is changed from 70 to 65. Voluntary retirement at that age must be preceded by 20 years of active service as a permanent fireman. I had some question about

this, but had Captain Zing explain this bill to the committee. This earlier retirement will not increase the cost to the cities and towns. The earlier retirement is acceptable, because at the advanced age, accidents are more apt to occur. The retirement pay of a man retiring at 65 is changed from \$1,250 to one-half of his salary at the time of his retirement and that is probably why this increased levy on the fireman's share. The important question, it seems to me, is how much is this going to cost the cities or towns. We have been assured that it will cost them no increase. There was no opposition to this bill. There was almost unanimous support from the permanent firemen throughout the State."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills has examined and found correctly engrossed the following entitled bill:

House Bill No. 1, An Act providing additional funds for the payment of so-called Korean Bonus.

NELLE L. HOLMES,  
*For the Committee.*

On motion of Senator Lamontagne, District No. 1, seconded by Senator Daniel, District No. 19, and unanimous vote of the Senate, the Senate went into executive session.

(Executive session)

The Senate in regular session.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

Senate Bill No. 4, An Act relative to benefits under the firemen's retirement system.

Senate Bill No. 5, An Act correcting an error in a reference in the provisions relative to the state library commission.

House Bill No. 10, An Act relative to Contoocook Fire Precinct.

House Bill No. 29, An Act defining the term "governor and council."

### **Announcements**

The President recognized Senator English, District No. 11, who requested that, if it was agreeable to the members of the Claims Committee, and due to the delay in the session because of the executive session, he would ask that the meeting of this committee scheduled for today immediately following adjournment, would be held tomorrow at that time.

The President recognized Senator Daniel, District No. 19, who stated that he had received calendars from the Manchester Coal and Ice Company for the members of the Senate. He stated that he noticed that the Senators had been supplied with desk calendars by the Senator from District No. 23, Senator Merrill, so therefore would suggest that the Senators might take the first mentioned calendars home for use on their private desks there.

On motion of Senator English, District No. 11, the Senate adjourned.

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WEDNESDAY, FEBRUARY 6, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate two members of the House of Representatives, Alice F. Blanchette of Dover and Blanche E. Valliere of Rollinsford, who were the guests of Senator Karkavelas, District No. 21.

### **Introduction of Senate Bill**

Senator Adams introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 48, An Act relative to fee paid by legislative counsel.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 10, An Act relative to correction of assessments for payment of income taxes.

The message further stated that the House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 24, An Act providing for the assessment and collection of a special head tax for state purposes.

House Bill No. 51, An Act legalizing the biennial election of November, 1951, in the town of Plymouth.

House Bill No. 55, An Act relative to executions in small claims cases.

House Bill No. 91, An Act relative to the definition of closed package under statute for grading apples.

### Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Ways and Means:

House Bill No. 24, An Act providing for the assessment and collection of a special head tax for state purposes.

House Bill No. 51, An Act legalizing the biennial election of November, 1956, in the town of Plymouth.

To the Committee on Judiciary:

House Bill No. 55, An Act relative to executions in small claims cases.

To the Committee on Agriculture:

House Bill No. 91, An Act relative to the definition of closed package under statute for grading apples.

### Committee Reports

Senator DeLude, for the Committee on Transportation, to whom was referred:

House Bill No. 25, An Act relative to initial motor vehicle number plates.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Packard, District No. 16, to explain the bill:

"I think the bill itself is self-explanatory. It authorizes the Commissioner of Motor Vehicles to give out number plates with initials on them and to charge a fee of \$5.00 for the same. He already has the authority to give out the plates, but does not have the authority to collect this additional \$5.00. One person appeared at the hearing and objected; not on the basis of the plates, but he had another system for raising the money for the safety campaign which will be put on with the money raised by the issuance of these initial license plates. The committee voted unanimously to endorse this bill."

The President recognized Senator Holmes, District No. 12, who requested permission to ask a question of Senator Packard, which was granted by the President.

Senator Holmes stated:

"I would just like to ask if there was any discussion about issuing these plates to people on a merit basis, taking into consideration the matter of good driving."

Senator Packard replied in the negative, stating that there had been no discussion on that subject.

The President recognized Senator Bennett, District No. 5, who requested permission to ask a question of Senator Packard, which was granted by the President.

Senator Bennett stated:

"I wonder whether the committee would take under consideration an amendment as suggested by Senator Holmes of District No. 12. I feel personally that it might be a very good idea if these plates were issued on the basis of merit and record. It would seem to me that many drivers or persons would take these plates and it would seem unjust to me that



these plates should be issued to a driver with a very poor record.”

Senator Packard replied as follows:

“I will attempt to do this, possibly not quoting but speaking as the commissioner did. He was very desirous of having this bill passed as the bill was written. He felt that this would be a good source of income to be used for safety purposes. He felt that there would be a number of people who would apply for this type of plate and did not wish any exclusion as to who might obtain these plates. There is another bill coming in from the House, I believe House Bill No. 124, which earmarks this money received from the special or initial plates specifically for safety purposes. His object is to raise as much money as possible for a safety program. Commissioner Clark wants this bill to go through as is. So, if the program works out well, then in another two years it can be increased, or a new bill issued with another idea.”

The President recognized Senator Lamontagne, District No. 1, who stated that he was in favor of the bill as it is.

“I would like to state that if these initial plates are to be issued on merit, I do not think it would be right to charge \$5.00. As I understand the bill, it is to raise some revenue in order to take care of our safety program. If we will only give it a try for two years, it can be taken up again at that time. We want it to go through at this time as is.”

The President recognized Senator Holmes, District No. 12, who stated that she did not oppose the bill. Stated that she believed Senator Bennett, District No. 5, and she had the same feeling about a constructive program in this bill.

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Transportation, to whom was referred:

House Bill No. 39, An Act relative to payment of poll and head taxes prior to issuance of certain licenses.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Packard, District No. 16, to speak on the bill.

"This bill was submitted by a House member to rectify a slight error on a bill passed two years ago with reference to an affidavit to obtain license plates. In Manchester, the city clerk adheres very strictly to the law and the person wishing to obtain license plates has to appear in person to prepare the affidavit. The plates cannot be obtained unless the person appears personally. There are now three methods to be used in obtaining plates. It does not change the law in essence."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

The President recognized Senator English, District No. 11, who moved that the rules of the Senate be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal. Senator English stated that this committee report has to do with Senate Bill No. 27, An Act to enable the town of Rindge to establish a trust fund.

"It arises from the sale of a municipally owned electric plant. This bill simply permits the creation of a special trust fund to safeguard the money received, and this proposal must be brought before the voters at the town meeting. The reason for asking suspension of the rules is because they are anxious to have it included in the town warrant. It is favored by the people of Rindge. I offered, on their behalf, a slight amendment."

On motion of Senator English, the rules of the Senate were suspended to allow the introduction of a committee report not previously advertised in the Journal.

### Committee Report

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 27, An Act to enable the town of Rindge to establish a trust fund.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the word "for" in section 3 Income and inserting in place thereof the words,

the reduction of taxes, so that said section as amended shall read as follows: 3. *Income*. The income from said trust fund shall be used for the reduction of taxes.

The report was accepted.

Question being on the adoption of the amendment offered by the committee.

On a *viva voce* vote, the affirmative prevailed, amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

Senate Bill No. 27, An Act to enable the town of Rindge to establish a trust fund.

House Bill No. 25, An Act relative to initial motor vehicle number plates.

House Bill No. 39, An Act relative to payment of poll and head taxes prior to issuance of certain licenses.

### Announcements

The President announced that there would be a short meeting of the Rules Committee in his office after adjournment.

The President further announced that the Summary of the Evans' report had been handed to the members of the Finance Committee. Further stated that if anyone is interested in seeing the individual reports, he can get them from several sources; from the Governor, John D. Langmuir, Mr. Bean, the Comptroller. If sufficient interest is shown in them, it may be decided to have copies made, but inasmuch as the cost would be considerable, it is hoped that this supply will be sufficient. Stated that the President has a copy of this Summary in his office which is open and free to any member of the Senate who may desire to look at it. Also, any member of the Finance Committee will be perfectly willing to let any member of the Senate look at his copy.

The President recognized Senator Packard, District No. 16, who spoke as follows:

"A few minutes ago, you remarked about the Evans' Report. I would request that in the future, all reports of any importance should be submitted to each and every one of the Senators. Even copies of the Legislature Budget have to be asked for some times. As there are only twenty-four Senators here, and if seven copies can be given out to Finance Committee, I would request that all reports be distributed to all Senators rather than to any one group."

The President recognized Senator Rogers, District No. 6, who spoke as follows: "At the session last Thursday, the Chair appointed a committee to introduce a resolution for Frank M. Ayer, and I wish to offer the following resolution:

*Resolved*, That the Senate does hereby extend to Frank M. Ayer, the sincere appreciation of its members for his able, efficient, and sincere assistance throughout the many years he has served the Senate as Assistant Clerk, and in the kindly advice and wise counsel so graciously given to all who sought his aid."

On a standing vote, the Senate unanimously voted to adopt the above resolution.

On motion of Senator Rogers, the Clerk was instructed to prepare and transmit to Frank M. Ayer a copy of the above resolution.

### Communication

The President recognized Senator Hodgdon, District No. 4, who requested the Clerk to read the following communication from the Governor and also requested that it be printed in today's Journal.

February 6, 1957

The Honorable Forrest W. Hodgdon  
Chairman, Committee on Agriculture  
The Honorable Margaret B. DeLude  
Chairman, Committee on Public Health, Welfare  
and State Institutions  
Senate Chamber, State House  
Concord, New Hampshire  
DEAR CHAIRMEN:

It has been my hope that leaders in the business of milk

distribution, personally aware of the reality of some of the problems discussed so actively over many months, would themselves have prepared a legislative remedy. Because of this expectation, I have delayed submitting the recommendations I have long had in mind. Further delay is no longer warranted.

The platform of the party to which I am glad to owe my loyalty recommended a more flexible schedule of consumer pricing. I know, from my numerous contacts all over the state, of the great interest felt by many thousands of our New Hampshire people in this matter.

This is not a matter idly conceived. Your members will recall that in the 1955 General Court serious consideration was given to the outright abolition of the milk control law. I am proposing much less than abolition. I believe, however, that the issue is important enough to warrant periodic review, and this review I suggest be given in this present session.

Only after long and careful discussion of all phases of milk control with many of those best informed about them, have I decided what my recommendations should be.

These are the major proposals I believe should be submitted for legislative consideration:

1. Retail milk price controls should be removed effective July 1 next; producer price controls should remain.

2. The size of the Milk Control Board should be increased, so that there can be adequate representation to consumer, producer and other groups. I recommend five members.

3. There should be mandatory and periodic audits by the Milk Control Board of the costs of distribution.

4. The Milk Control Board should be given the authority, but only under specific limitations, to re-establish retail price controls. These limitations should include:

- a. Conclusion of the audits of the costs of doing business by dealers as an essential element of any pricing formula.

- b. Properly advertised and held public hearings, before which all evidence for and against re-control will be heard.

- c. The finding of sufficient evidence that a free competitive market at the retail level would result in either a lack of a supply of milk adequate for the needs of New Hampshire people, or a milk of inferior quality.

d. In the event of re-control, the Board should be required to establish differentials in price to reflect variations in methods of sale, which would apply in a free market.

I believe the traditional American rule of supply and demand should be used to determine the prices at which New Hampshire housewives purchase milk, limited only to the extent that there must be sufficient milk, produced and sold under sanitary conditions. It is my hope that the proposals made in this suggested legislation will attain these objectives.

Sincerely,

LANE DWINELL.

### **Announcement**

The President recognized Senator Lamontagne, District No. 1, who stated: "I would like to mention that last evening, Senator O'Brien, District No. 2, Senator Rhodes, District No. 10, and I went to Boston and attended the Sportsman's Show. I wish to make this comment, I think that the exhibit there from New Hampshire is very worthy of the Senators going to see it. The Fish and Game exhibit is certainly a big credit to New Hampshire. I believe there must have been six thousand people there."

The President recognized Senator English, District No. 11, who wished to remind the members of the Claims Committee of the meeting scheduled immediately following adjournment.

On motion of Senator Holmes, District No. 12, the Senate adjourned.

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THURSDAY, FEBRUARY 7, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate, James S. Yakovakis, a student at the University of New Hampshire working with the Senate Judiciary Committee, who was the guest of Senator Cleveland, District No. 7. Mr. Yakovakis is from Bennington, New Hampshire. Also, a representative of the "Valley

News" from Lebanon, who will be taking pictures of the Senate in action.

### **Introduction of Senate Bills**

Senators Cleveland, District No. 7, and Adams, District No. 22, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Resources, Recreation and Development:

Senate Bill No. 49, An Act relative to the industrial park authority.

Senator Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 50, An Act relative to special sessions of probate court.

Senator Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 51, An Act relative to the salaries of the judges of the probate courts.

The Committee on Rules introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Joint Committee of Agriculture and Public Health, Welfare and State Institutions.

Senate Bill No. 52, An Act relative to milk control.

### **Committee Reports**

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

House Bill No. 15, An Act providing for the establishment of a sixty-day period to lapse between enactment date and the effective date of statutes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

“Mr. President: This bill enacts into law something that I believe, later on, we are going to be asked to put into the Senate rules. Unless otherwise specified, bills passed will become effective 60 days after final passage. This will enable the new law to be circulated before becoming effective.”

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

The President recognized Senator Packard, District No. 16, who requested that he be recorded as having voted against the above entitled bill being ordered to a third reading.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

House Bill No. 26, An Act repealing the authority of the military to carry stilettoes, switch knives, etc.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

“Mr. President: This bill takes an exception out of the law having to do with the carrying of stilettoes, switch knives, etc. Heretofore, there was an exception in that law, excepting the military. However, there has been trouble in the Portsmouth area, so therefore this bill was introduced.”

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 7, An Act relative to limitation of recovery of damages for wrongful death.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend Sect. 1 of said bill by striking out the words “seven thousand five hundred dollars” and inserting in place



thereof the words, ten thousand dollars. Further amend said section by striking out the words "in which cases there shall be no limitation on the amount of recovery" and inserting in place thereof the words, when the damages recoverable shall not exceed thirty thousand dollars, so that said section will read as follows:

1. 556:13. *Limitation of Recovery.* The damages recoverable in any such action shall not exceed ten thousand dollars, except in cases where the plaintiff's decedent has left either a widow, widower, or minor children or a dependent father or mother, when the damages recoverable shall not exceed thirty thousand dollars.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President: I will speak both on the amendment and the bill. This bill is of some interest and so I will speak generally for the information of the Senate. The present law is this — in the event that someone dies from wrongful death, the law says that the survivor may receive \$7,500, except in cases where the decedent has left either a widow, widower, or minor children or a dependent father or mother, when the amount recoverable shall not exceed \$15,000. It has long been felt by the legal profession, the bench, etc., that it seems incongruous that if you kill a man, the limitation would be \$7,500, where in the case of an injury a much larger amount can be obtained.

"At least 37 states no longer have this limitation. At first, the committee felt there should be no limitation, but at the hearing opposition developed from some insurance companies. They felt that without restriction, insurance rates would be increased. The committee felt that the amendment, raising the limitation from \$15,000 to \$30,000 and from \$7,500 to \$10,000 would solve the problem. This explains the bill and also the amendment."

The President recognized Senator Lamontagne, District No. 1, who spoke as follows:

"I rise in favor of the bill as amended. I wish to state that I was much in favor of having the amendment which has been presented to us this morning. Of course, I believe that the

majority of the people in this State do carry ten and twenty. I believe the limitation is of great value to this bill.”

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Transportation, to whom was referred:

Senate Bill No. 18, An Act relative to motor vehicles or trailers transporting pulpwood.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend Senate Bill No. 18 by inserting after section 1:

2. *Limitation.* The Commissioner of Public Works and Highways is hereby empowered to modify the motor vehicle width limits hereinbefore provided in so far as may be necessary to provide that the State shall receive maximum highway aid.

3. Further amend the bill by renumbering section 2 to read section 3.

The report was accepted.

The President recognized Senator Lamontagne, District No. 1:

“First, I would like to have distributed some pictures to the members of the Senate in order to explain this bill. (The pictures show how the wood used to be loaded on freight cars. Under this new way, the trucks are able to pull alongside the train, and would be able to pull the wood off. This saves moving the truck from place to place in order to load the wood.) In addition to providing for pulpwood, this bill also takes care of mill wood. Pulp wood is in 4 foot lengths, usually. But sometimes, it might exceed 4 feet, 2 inches. But mill wood comes in lengths of 50 inches. I would also like to point out to the Senate the need for a special type of a body, in order to haul wood this way here. This bill calls for a strip on the edge of the body, in order to throw the weight of the load to the center of the truck. This also provided for a binder chain as a safety measure. I have been asked why there are five stakes at the rear of the body. The purpose is — if you have anything shorter than the regulation size, it prevents the

shorter ones from sliding through. This bill has been taken up with Commissioner Clarke. The only thing the amendment has to do with, is the width, which is increased in order to allow the state to receive maximum highway aid."

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

House Bill No. 3, An Act relative to posting notices for caucuses.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"At the present time, the law requires posting of notice of caucuses in five public places. One of the places mentioned for posting is in the postoffice. Federal regulations forbid that to be done. This bill reduces the number of places for posting to four does away with the provision for posting in the postoffice. This bill takes out of the present law the posting in the postoffice, which could not be done anyway. I find that the Ward Committees seldom post in four different places."

The President recognized Senator Holmes, District No. 12:

"What about the small towns where the postoffice is located in a store?"

Senator Rainie replied that this would be an exception, and the notice would still be allowed to be posted in the store. Stated that it would mainly be the cities that would be affected by this bill.

On a *viva voce* vote, the affirmative prevailed, recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom were referred:

House Bill No. 14, An Act legalizing the biennial election of 1956 in the town of Pittsfield.

House Bill No. 23, An Act legalizing the biennial election, 1956, in the town of Washington.

Having considered the same, reported the same without amendments, and recommended their passage.

The reports were accepted.

The President recognized Senator Rainie, District No. 15:

"The above two bills pertain to the same subject matter. Simply where through an error or oversight the town official has failed to post the warrants on the required date. Merely a technical matter which needs legislative approval."

On a *viva voce* vote, the affirmative prevailed, recommendations of the committee were adopted, and the above entitled bills were ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

House Bill No. 38, An Act increasing fee for witnesses.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"For many years, the witness fee in municipal court has been \$2 and in superior court \$3. It may be, and probably was, true that fifty years ago these fees represented a day's pay. It is impossible to summon a laboring man into municipal court now and pay him only \$2. He will be there at least a half a day. In superior court, he may be held up one whole day, and then paid only \$3. It seems equitable that these fees should be raised to \$5. There was no opposition to the bill."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

House Bill No. 72, An Act enabling the First Universalist Society in Nashua, Inc., and First Unitarian Congregational Society in Nashua, to consolidate into one corporation named, Unitarian-Universalist Church of Nashua, New Hampshire.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"These two societies have voted to consolidate, and I understand it is an accomplished fact. This bill merely takes care of the legal operation and provides as the title of the bill states. There was no opposition. The committee heard from quite a number of people who were in favor of the passage of this bill."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 9, An Act relative to public records and proceedings.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Those of you who have bothered to read this bill will find it very minute in its coverage. However, at the hearing, there was much opposition expressed, and the committee felt it unwise to take action on such legislation at this time. The committee felt that if properly authorized people have need to refer to such records, they are usually able to do so. Only rarely do they run up against a stubborn individual who does not cooperate with them in this request. We felt it was not wise or fair to have such records, such as welfare, etc., open to the general public, perhaps just for curiosity. It could prove embarrassing. As it is now, any legitimate person can usually obtain the information he requires."

The President recognized Senator Bennett, District No. 5:

"As sponsor of Senate Bill No. 9, I represented to the committee at the hearing several amendments to the bill as printed in which I took cognizance of some of the weaknesses in the early bill as printed. I have some interesting new develop-

ments which will affect at least one of those suggested amendments. In view of this, I would like to move that Senate Bill No. 9, with the accompanying report, be laid upon the table and made a Special Order of Business for next Tuesday morning, February 12, at 11:01 o'clock."

The above motion was seconded by Senator Cleveland, District No. 7.

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

Senator O'Brien, for the Committee on Fisheries and Game, to whom was referred:

Senate Bill No. 46, An Act relative to ice fishing in Umbagog Lake.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rhodes, District No. 10:

"Mr. President and Members of the Senate, I think perhaps a word of explanation why this bill is necessary. As you know, fishing regulations are controlled by the Fish and Game Commission. Last session, through interested people not knowing of legislation being introduced, closing the lake to ice fishing, and therefore not appearing in opposition, the lake was closed to ice fishing. We believe now it is only right that the people in that area should be allowed to ice fish on this lake."

The President recognized Senator Lamontagne, District No. 1:

"I introduced this bill. At the hearing, many people appeared in favor of its passage. One appeared in opposition. It is a small lake and mostly pickerel are caught there. I see no reason why it should not be open to ice fishing."

On a *viva voce* vote, the affirmative prevailed, recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie, for the Committee on Public Health, Welfare and State Institution, to whom was referred:

House Bill No. 16, An Act relative to nonresident hairdressers, and hairdresser demonstrators.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator DeLude, District No. 8:

“Mr. President, this bill does three things. It defines a demonstrator as a person who goes in and demonstrates hairdos and cosmetics. It provides for the licensing of these demonstrators. And it increases the licensing fee for nonresident hairdressers from \$10 to \$25 and increases the fee from \$5 to \$10 for demonstrators. It was brought out at the committee hearing that here in New Hampshire the rates are lower than in most states. There was no opposition.”

On a *viva voce* vote, the affirmative prevailed, recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

House Bill No. 27, An Act relating to false procurement, of narcotics.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator DeLude, District No. 8:

“Mr. President, the present law on narcotics provides no authority for prosecution for anyone procuring or trying to procure narcotics falsely. It provides authority for prosecution of those having narcotics in their possession, or caught in the act, but no provision for those procuring or trying to procure narcotics. There was no opposition.”

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

House Bill No. 10, An Act relative to Contoocook Fire Precinct.

House Bill No. 29, An Act defining the term "governor and council."

Senate Bill No. 10, An Act relative to correction of assessments for payment of income taxes.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

### Resolutions

The President recognized Senator Lamontagne, District No. 1, who offered the following resolution, for the Committee on Rules:

*Resolved*, that the rules of the Senate be amended by striking out Rule 9 and inserting in place thereof the following:

When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to postpone indefinitely; seventh, to amend; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment. Nor shall a question which is postponed indefinitely be acted upon during the session except whenever two-thirds of the whole number of elected Senators shall, on division taken, vote in favor thereof.

The President recognized Senator Cleveland, District No. 7, who offered the following resolution, for the Committee on Rules:

*Resolved*, that to the Rules of the Senate two new rules be added as follows:

36. The staff of the Senate shall be composed of the following attaches to be elected by the Senate — a clerk, a counsel to the Senate, a Senate recorder, a sergeant-at-arms,



a messenger, a doorkeeper; and the following attaches who shall be appointed by the President of the Senate: an assistant messenger. Such stenographical and other clerical assistance as the President of the Senate may deem necessary shall be appointed by the clerk.

A. The clerk of the Senate shall be the chief administrative officer in charge of all attaches and clerical help in the Senate and is responsible to the President for the proper administrative functioning of the staff. The clerk shall also be responsible for appearances of notices in the Journal and the make-up of the appendix to the Journal.

B. The counsel to the Senate shall be a lawyer whose duties shall be, in addition to the handling and care of all bills, resolutions and documents of the Senate and recording same in the docket, to act as legal counsel to the senators rendering them assistance in the preparation of bills and amendments and such other legal advice as they may request pertaining to their duties as senators; and to the President in the execution of his duties as the presiding officer. In the absence or incapacity of the clerk of the Senate the counsel for the Senate shall be the acting clerk.

C. The Senate recorder shall keep accurate detail and account of what transpires when the Senate is in session and shall be responsible for the preparation of the Journal, in addition to whatever other duties the clerk may designate.

D. The sergeant-at-arms shall have as his responsibility the supervision of the work of the messenger and doorkeeper, working with them to see that their duties are performed with precision and dispatch; he shall also perform the regular duties of a sergeant-at-arms when the Senate is in session.

E. The messenger, who shall sit in a chair in front of the desk of the clerk, shall attend to the needs of the Senators during the session and perform such other duties as the sergeant-at-arms shall designate.

F. The doorkeeper shall perform such duties and shall have such responsibilities as shall be prescribed to him by the sergeant-at-arms.

G. The assistant messenger shall sit beside the mes-

senger and his duties shall be assigned to him by the sergeant-at-arms.

H. The duties of such other stenographical and clerical assistance as the Senate may have shall be prescribed by the clerk of the Senate.

37. Each member of the staff of the Senate, statutory limitations notwithstanding, shall be available on call to carry out the work of the Senate on Mondays and/or Fridays to expedite the work of the Senate.

The President announced that the two above resolutions will be laid upon the table, printed in today's Journal, and will be taken up at a later date.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

Senate Bill No. 7, An Act relative to limitation of recovery of damages for wrongful death.

Senate Bill No. 18, An Act relative to motor vehicles or trailers transporting pulpwood.

Senate Bill No. 46, An Act relative to ice fishing in Umbagog Lake.

House Bill No. 3, An Act relative to posting notices for caucuses.

House Bill No. 14, An Act legalizing the biennial election of 1956 in the town of Pittsfield.

House Bill No. 16, An Act relative to nonresident hairdressers and hairdresser demonstrators.

House Bill No. 15, An Act providing for the establishment of a sixty-day period to elapse between enactment date and the effective date of statutes.

On House Bill No. 15, Senator Packard, District No. 16, wished to be recorded as having voted against the passage of the bill.

House Bill No. 23, An Act legalizing the biennial election, 1956, in the town of Washington.

House Bill No. 26, An Act repealing the authority of the military to carry stilettoes, switch knives, etc.

House Bill No. 27, An Act relating to false procurement of narcotics.

House Bill No. 38, An Act increasing fee for witnesses.

House Bill No. 72, An Act enabling the First Universalist Society of Nashua, Inc., and First Unitarian Congregational Society in Nashua, to consolidate into one corporation named, Unitarian-Universalist Church of Nashua, New Hampshire.

### Announcements

The President announced that he was in receipt of a letter from Irene W. Hart, Chairman of the Special Study Committee on Teachers' Retirement and would instruct the Clerk to have the letter printed in today's Journal.

January 31, 1957

The Honorable Eralsey C. Ferguson  
President of the New Hampshire Senate  
Concord, New Hampshire

DEAR SENATOR FERGUSON:

I am herewith submitting a copy of the Report on the Advisability of Integrating the Benefits of the New Hampshire Teachers' Retirement System with Federal Old Age and Survivors' Insurance Benefits as determined by the Special Study Committee acting upon authorization of the New Hampshire General Court of 1955.

May I at this time respectfully urge that, for the following reasons, this report be given your very early consideration:

1. You will note that the actuarial computations relate to July 1, 1957 as the proposed effective date of integration. Without attempting at this time to expound their thinking, the committee had valid and significant reasons for selecting this date.

2. A proposed act in support of the recommendation of this committee has already been drawn and the bill has been registered by title in the office of the Attorney General. The final draft of the bill will be available in the near future for your study and consideration. (A tentative form, as written prior to final review, is available now upon request.)

3. You are aware that federal law requires that, after the passage of such enabling legislation, before it can become effective, a referendum of the members must be taken not sooner than ninety days after due notice has been given.

4. Four thousand New Hampshire teachers, acting through their official policy-making body, the Assembly of Delegates of the New Hampshire Education Association, have gone on record as favoring the recommendations of this committee and the passage of the supporting legislation.

5. The New Hampshire Education Association authorized the actuary to determine, at its expense, the effect of this proposal upon the members individually. Such information has been prepared and delivered to the teachers and a copy of the form of report is here enclosed.

I would summarize this information by stating that the Special Study Committee has caused legislation to be prepared which provides the methods of securing the benefits and advantages which are in accord with their findings and recommendations and which they deem are best adapted to the state and to the members of the system; that the teachers have been duly prepared and informed; that the teachers have acted in favor of the committee's recommendation; and that early action by the New Hampshire General Court will be necessary if a referendum is to be held prior to July 1, 1957.

As a representative of four thousand New Hampshire teachers, I feel a deep sense of appreciation and gratitude to the New Hampshire General Court of 1955 for authorizing the appointment of such a representative committee and for the appropriation of the funds that made this study possible.

Respectfully submitted,

IRENE W. HART,

*Chairman.*

Special Study Committee on Teachers'  
Retirement.

The President further stated that he had been advised that copies of the Report on the Advisability of Integrating the Benefits of the New Hampshire Teachers' Retirement System with Federal Old Age and Survivors' Insurance Benefits were available at the office of Teachers' Retirement System in

the State House Annex and could be obtained there by anyone interested in obtaining a copy of the same.

The President also announced that there are copies of the Evans' Report available in the office of John D. Langmuir. These copies are without binders at the present time, but at a later date they will be available with the binders.

The President recognized Senator Merrill, District No. 23, who requested the members of the Finance Committee to meet with him at 1:00 o'clock.

The President recognized Senator DeLude, District No. 8, who requested the members of the Public Health, Welfare and State Institutions to meet with her in the Senate Chamber for one minute following adjournment, for a matter of policy.

On motion of Senator Paquette, District No. 13, the Senate adjourned.

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TUESDAY, FEBRUARY 12, 1957

The Senate met according to adjournment.

### **Introduction of Guest**

The President welcomed to the Senate a former member of the House of Representatives, Mr. Paul Lafond of Manchester, New Hampshire, who was the guest of Senator Daniel, District No. 19.

### **Introduction of Senate Bills**

Senator Rainie, District No. 15, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 53, An Act relative to providing for an additional member of the State Board of Health.

Senator Bennett, District No. 5, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Fisheries and Game:

Senate Bill No. 54, An Act relative to dogs at large.

Senator Packard, District No. 16, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Public Health, Welfare and State Institutions:

Senate Bill No. 55, An Act relative to the practice of chiropody.

Senator Paquette, District No. 13, introduced the following captioned joint resolution, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Claims:

Senate Joint Resolution No. 2, Joint Resolution in favor of Eleanor Marquis.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 70, An Act relative to penalty for illegal practice of chiropractic.

House Bill No. 76, An Act relative to the registration of motor vehicles of the civil air patrol.

House Bill No. 105, An Act relative to write-in votes at the primary election, and nominations thereunder.

House Bill No. 138, An Act legalizing the proceedings of the biennial town meeting in the town of Sanbornton.

House Bill No. 148, An Act legalizing the biennial election, 1956, in the town of Weare.

### Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Public Health, Welfare and State Institutions:

House Bill No. 70, An Act relative to penalty for illegal practice of chiropractic.

To the Committee on Transportation:

House Bill No. 76, An Act relative to the registration of motor vehicles of the Civil Air Patrol.

To the Committee on Judiciary:

House Bill No. 105, An Act relative to write-in votes at the primary elections, and nominations thereunder.

To the Committee on Ways and Means:

House Bill No. 138, An Act legalizing the proceedings of the biennial town meeting in the town of Sanbornton.

House Bill No. 145, An Act legalizing the biennial election, 1956, in the town of Weare.

### Committee Report

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 38, An Act relating to probate courts.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the word "January" and inserting in place thereof the word, July, so that said section shall read as follows: 2. *Repeal*. RSA 548:10 and 548:11, relating to forms and rules of the probate courts and the revision thereof, are hereby repealed. On the passage of this act the present forms and rules of the several probate courts shall and hereby are continued in effect until revised under the provisions of RSA 547:33, 34, 35; provided, however, that all probate forms and rules shall be uniform throughout the state from and after July 1, 1959.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

"I am reporting on the bill and amendment in the absence of the Chairman of the Judiciary Committee, Senator Cleveland, District No. 7. Senate Bill No. 38, provides for the revision of rules and forms for probate court. It sets up a committee of probate judges to recommend uniform practice and procedure. This committee shall be appointed by the Supreme Court which shall have authority over the committee and its

work. The bill also carries an annual appropriation of \$2,500 for the next biennium."

The President recognized Senator Rainie, District No. 15:

"It seems as if a considerable latitude was given here to the judges. What do you feel the character of these rules might be?"

The President recognized Senator Holmes, District No. 12:

"The question is mostly concerned with the matter of setting up forms. You, as a practicing attorney would be more familiar with that than I am. Not much emphasis was put on the matter of practice. I don't remember of anything special as to rules being brought out."

The President recognized Senator Lamontagne, District No. 1:

"Naturally, there wasn't anything brought out relative to the rules, but the committee will be appointed by the judges and they will make the recommendations of the change of form."

The President recognized Senator Rainie, District No. 15:

"As I have said, a unified revision of the form is desirable. In Merrimack County, we have some old forms that ought to be changed and they differ with forms of similar intent in other counties. That is very good. I am a little bit disturbed about placing the rules in the hands of the judges without any limitation as to what those rules should be. I am certain that Senator Cleveland could enlighten us on this bill. I will, therefore, move that this bill be laid upon the table, and taken up tomorrow at 11:01 o'clock."

Question being on the motion of Senator Rainie, that the above mentioned bill with the accompanying report be laid upon the table and made a Special Order of Business tomorrow morning at 11:01 o'clock.

The President recognized Senator Holmes, District No. 12:

"The Chairman of the Judiciary Committee has entered the Senate Chamber and he can inform the Senate. As I stated before, the hearing was on form rather than on practice."



The President congratulated Senator Cleveland, District No. 7, on the arrival of a baby boy this morning, stating that today, being Abraham Lincoln's birthday, was a most appropriate time for the young man's arrival.

The President recognized Senator Cleveland to speak on the bill:

"One of the reasons we should pass this bill — it has to go to the Senate Finance Committee and copies of this bill have been sent to each of the probate court judges. When the replies come in, if we find that further study of the bill is necessary, it can be done in that committee."

The President recognized Senator Rainie, District No. 15, who withdrew his motion for a Special Order on the bill.

Question being on the adoption of the amendment offered by the Committee on Judiciary.

On a *viva voce* vote, the affirmative prevailed, amendment was adopted, and the bill as amended was referred to the Committee on Finance, under the rules.

### **Special Order of Business**

Senator Bennett, District No. 5, called for the Special Order. It being, consideration of Senate Bill No. 9, An Act relative to public records and proceedings, with the accompanying report of the committee, Inexpedient to legislate.

Question being stated: Shall the recommendation of the committee, Inexpedient to legislate, be adopted?

The President recognized Senator Bennett, District No. 5, to speak on the bill:

"I would like to offer a motion to refer Senate Bill No. 9, to the Legislative Council for further consideration. At this time, I might say that I have made some effort to draft an amendment which might be acceptable to the Senate, but after due consideration, I have decided against this as I sense the unanimity of the Senate against the passage of this bill and the amendment I have in mind. I can see no useful purpose to pursue the matter further at this time. However, I certainly believe that the State of New Hampshire should consider the adoption of some legislation relative to public records and proceedings. However, I will agree with my colleague that some very careful study is needed and we must not be hasty. For

that reason, I believe that the Legislative Council would have the time and the opportunity to review this bill and could then make recommendation to the next Legislature with regard to it."

The President reminded Senator Bennett, District No. 5, that the report of the Committee on Ways and Means is before the Senate and must be disposed of one way or another. After this committee report is disposed of, the President stated that he would be agreeable to entertaining another motion with reference to the bill, if Senator Bennett so desired.

Question being on the recommendation of the Committee on Ways and Means that Senate Bill No. 9 is inexpedient to legislate.

On a *viva voce* vote, the affirmative prevailed, and the recommendation of the committee was adopted.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon as 2:00 o'clock to be made in order at the present time.

### Afternoon Session

#### Announcements

Senator Rhodes, District No. 10, requested the members of the Committee on Fisheries and Game to meet with him for a few minutes in the Dartmouth corner of the Senate Chamber immediately following adjournment.

Senator Rainie, District No. 15, reminded the members of the Committee on Ways and Means that they will meet in Room 317 tomorrow morning.

The President recognized Senator English, District No. 11:

"Some questions have been raised in connection with a committee being appointed to take up the procedure to be followed in making up the Journal of the Senate—that the committee might look into this matter and report back to the Senate at a later date. I would move that the Chair appoint a committee to consider changes in the making up of the Senate Journal and also to review the matter of contents of the Senate Journal."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Pursuant to the above motion, the President appointed as members of such committee, Senator English, District No. 11; Senator Bennett, District No. 5, and Senator Lamontagne, District No. 1.

The President recognized Senator Bennett, District No. 5, who moved that when the Senate adjourn today, it be in honor of Mrs. James C. Cleveland, the wife of the distinguished Senator from District No. 7, on the happy occasion of presenting him with a strapping eight pound son this morning.

On motion of Senator Rainie, the Senate adjourned in honor of Mrs. Cleveland.

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WEDNESDAY, FEBRUARY 13, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Gallery of the Senate the members of the League of Women Voters. Also, a group of youngsters in the Gallery were welcomed to the Senate.

### **Introduction of Senate Bills**

Senator Rainie, District No. 15, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 56, An Act relative to liability of relatives to contribute to support of poor persons.

Senator DeLude, District No. 8, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Education:

Senate Bill No. 57, An Act providing for dismissal of teachers and school district employees.

Senator Merrill, District No. 23, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 31, An Act relative to re-examination of holders of licenses to operate motor vehicles.

House Bill No. 47, An Act relating to clearance of bridges.

House Bill No. 57, An Act relating to motor vehicle fees and municipal permits.

House Bill No. 79, An Act relative to examinations and fees in the practice of optometry.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Ways and Means.

House Bill No. 31, An Act relative to re-examination of holders of licenses to operate motor vehicles.

To the Committee on Transportation:

House Bill No. 47, An Act relating to clearance of bridges.

House Bill No. 57, An Act relating to motor vehicle fees and municipal permits.

To the Committee on Public Health, Welfare and State Institutions.

House Bill No. 79, An Act relative to examinations and fees in the practice of optometry.

### **Committee on Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

House Bill No. 3, An Act relative to posting notices for caucuses.

House Bill No. 14, An Act legalizing the biennial election of 1956 in the town of Pittsfield.

House Bill No. 16, An Act relative to nonresident hair-dressers and hairdresser demonstrators.

House Bill No. 23, An Act legalizing the biennial election, 1956, in the town of Washington.

House Bill No. 25, An Act relative to initial motor vehicle number plates.

House Bill No. 26, An Act repealing the authority of the military to carry stilettos, switch knives, etc.

House Bill No. 27, An Act relating to false procurement of narcotics.

House Bill No. 38, An Act increasing fee for witnesses.

House Bill No. 72, An Act enabling the First Universalist Society in Nashua, Inc., and First Unitarian Congregational Society in Nashua, to consolidate into one corporation named Unitarian-Universalist Church of Nashua, New Hampshire.

House Bill No. 15, An Act providing for the establishment of a sixty-day period to elapse between enactment date and the effective date of statutes.

House Bill No. 39, An Act relative to payment of poll and head taxes prior to issuance of certain licenses.

NELLE HOLMES,  
*For the Committee.*

The report was accepted.

The President recognized Senator Bennett, District No. 5, who offered the following resolution:

*Resolved*, That the subject matter of Senate Bill No. 9, An Act relative to public records and proceedings, be referred to the Legislative Council for study and that the Council report back any recommendations relative to the subject matter to the next session of the Legislature.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

Senator Packard, District No. 16, wished to be recorded as having voted against the above resolution.

Senator Packard, District No. 16, demanded a roll call.

The President ruled that the above resolution had been

adopted, and other matters had been taken up in the interval, and therefore he would rule that a roll call cannot be called for at this time.

The President recognized Senator Rogers, District No. 6, who moved that the proposed amendment to the Concurrent Resolution relative to the Joint Rules of the House and Senate, printed on Page 8 of the Senate Journal for Tuesday, January 29th, be taken from the table.

The President stated:

"I believe that the Senators are familiar with this amendment because last Thursday the Senate passed a bill which had been previously passed by the House changing the statute which has been in operation for many years having to do with the taking effect clause of bills. This proposed amendment, and an amendment which the Senator will offer after this motion is adopted will conform very closely with the statute which was passed by this body last Thursday."

Question being on the motion of Senator Rogers, District No. 6, that the Concurrent Resolution and its proposed amendment be taken from the table.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

The President announced that the Concurrent Resolution has been taken from the table and is now before the Senate for action.

The President recognized Senator Rogers, District No. 6:

"Mr. President, I move that the following amendment to the amendment to the above Concurrent Resolution be adopted pertaining to effective dates of bills and adoption of joint rules be amended so that new Rule 13 shall read as follows: 13. Unless otherwise specifically provided by the General Court each law and resolution passed by the General Court shall take effect on the sixtieth calendar day following passage excluding the date on which it is signed by the Governor, or the last date on which the General Court acts on the matter, as the case may be."

Question being on the adoption of the amendment to the amendment proposed by Senator Rogers, District No. 6.

The President recognized Senator Adams, District No. 22,

who requested permission to ask Senator Rogers a question, which request was granted by the Chair:

"Do I understand that if your amendment is adopted, the Rules would operate in this manner: If the Legislature passes a bill, and the takes effect clause says 'takes effect upon its passage' that will be the effective date of the bill. But if the Legislature says it shall take effect sixty days after passage (such as a date of July 1, 1957) July 1, 1957 will be the effective date. Do I understand your amendment correctly?"

Senator Rogers replied:

"As I understand it, as specifically provided for by the General Court, any bill may specify other than the 60 day effective date."

Senator Adams:

"The purpose of my inquiry is, if you wish to have legislation become effective upon its passage, will it still be necessary to have a resolution by both Houses in order for it to become effective?"

Senator Rogers:

"There is no provision for a resolution as I read it. I would suggest that the question be asked of Senator Cleveland, District No. 7."

The President recognized Senator Cleveland:

"I gather from your questions that you may be referring to a bill introduced in the House whereby the 60 day rule could only be suspended by showing the legislation to be an emergency. That bill, however, was amended and that bill went through the Senate in amended form last week. As I understand it, this resolution is only to amend Joint Rules and make them conform to the bill passed last week. Emergency legislation can be taken care of and no two-thirds vote is necessary."

The President stated:

"The copy of the Concurrent Resolution which appears on Page 8 of the Senate Journal of Tuesday, January 29th, is exactly the same wording as the bill which was adopted. The purpose of holding this open was to see that our Senate rules conformed with those of the House. However, should we adopt this amendment to the original resolution, there are still some

changes which we should make in it because if you will notice the last sentence of this Concurrent Resolution which says 'the Secretary of State shall so record the date each law was enacted and such record would be conclusive.' There are two reasons why this last sentence should not be included in the Joint Rules of the House and Senate; first, because it directs a branch of the government to perform such service, and second, that particular sentence is already included in the bills passed by the General Court, and therefore it becomes unnecessary to include it in the Joint Rules."

The President recognized Senator English, District No. 11:

"I think I understand this, but I want to be sure I do. I would like to ask a question of Senator Rogers."

The above request was granted by the Chair, and Senator English questioned Senator Rogers, as follows: "I have a bill which I am very much interested in that becomes effective upon its passage. Does this resolution run counter with it or not?"

Senator Rogers replied: "It seems to me that the first clause which reads 'unless otherwise specifically provided for by the General Court' would answer that. I imagine this would allow the General Court in any resolution to specify the enactment date."

Senator English:

"If it says 'effective upon its passage' then that would stand?"

Senator Rogers:

"Yes."

The President recognized Senator Paquette, District No. 13:

"Mr. President, I wish someone would enlighten me on this — just why is this 60 days being put in? What is the benefit and why?"

The President recognized Senator DeLude, District No. 8:

"Mr. President, it is my understanding that very often we pass laws here and it takes time to get copies of the laws



or of the changes out to the people and sometimes people may be acting illegally without knowing it. The 60 day period gives time for the laws to be sent out through the land, so to speak."

The President declared a short recess.

(Recess)

The Senate re-assembled.

The President recognized Senator Lamontagne, District No. 1:

"At this time, I believe that every one of us should have a chance to sleep on this matter and probably by tomorrow our minds may all be clear. I move that this be laid upon the table and made a Special Order of Business for tomorrow morning at 11:01 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the above Concurrent Resolution with proposed amendment was laid upon the table and made a Special Order of Business for tomorrow morning at 11:01 o'clock.

The President recognized Senator Daniel, District No. 19, who offered the following resolution:

*Whereas*, Harry A. Jones, former Representative from Manchester, has been ill in hospital and is now restricted to his home, therefore be it

*Resolved*, That we, the members of the Honorable Senate of the New Hampshire Legislature, extend our sympathy to Mr. Jones in his illness and our best wishes for his speedy recovery, and be it further

*Resolved*, That a copy of these resolutions be transmitted by the Clerk to Mr. Jones.

The President recognized Senator Daniel, District No. 19:

"I wish to say that Mr. Jones, who is President of one of the banks in Manchester, has always had a soft spot for the members of the Senate of the State of New Hampshire. Four years ago, he sent some beautiful silver lighters up to the members of the Senate, and this year, he presented the Senators with beautiful pens."

Question being on the adoption of the above resolution.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

The President recognized Senator Holmes, District No. 12, who offered the following resolution:

*Whereas*, The Senate has learned with sorrow of the death of Fred T. Wadleigh, duly elected Representative from the town of Milford, and

*Whereas*, Mr. Wadleigh has fourteen times been elected to serve his town as a Representative, as well as serving as Senator from the Twelfth Senatorial District, and as Councilor from the Fourth Councilor District, therefore be it

*Resolved*, That the Senate pay high tribute to its former member for the loyal and efficient service rendered by him to his town, county, and state, and does hereby express its deepest sympathy to the family of Mr. Wadleigh in its bereavement, and be it further

*Resolved*, That the President appoint a member to attend the funeral and that a copy of these resolutions be transmitted by the Clerk to the bereaved family of Mr. Wadleigh.

On a standing vote, the resolution was unanimously adopted.

The Chair appointed Senator Holmes, District No. 12, to attend the funeral of Mr. Wadleigh.

The President recognized Senator Adams, District No. 22:

“Mr. President, at this time, I would like to move that the Senate reconsider its vote whereby it referred Senate Bill No. 9, An Act relative to public records and proceedings, to the Legislative Council, and demand a roll call. I take this action because at the time this vote was taken, I heard a member of the Senate desire a roll call. It is my contention, and I will make this motion every time this sort of thing occurs — I believe that any Senator is entitled to have his demand for a roll call granted at any time and on any bill he wishes.”

The President recognized Senator Karkavelas, District No. 21:

“I wish to second the motion on reconsideration. I wish to state at this time that while I am a member of this Senate, I will respect, at any time, the right of any member to demand a roll call. I believe that this is right and while I do not say that the Chair was in error in not granting this request, I do wish to second the thoughts expressed by the Senator from District No. 22.”

Senator Packard rose in support of the motion to reconsider.

Senator Rainie spoke in opposition to reconsideration.

Senator Daniel stated that there was strong opposition to this bill at the hearing.

Question being, Shall the Senate reconsider its vote whereby it adopted the resolution?

On this question, a roll call had been demanded.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Hodgdon, Anderson, Rhodes, English, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys. The following named Senators voted in the negative: Horner, Bennett, Rogers, Cleveland, DeLude, Holmes, Rainie and Merrill.

Fifteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the motion to reconsider carried.

Question now being on the adoption of the resolution.

Senator Packard moved that the resolution be indefinitely postponed.

Senator Cleveland spoke in opposition to the motion to indefinitely postpone, and moved that the above resolution be laid upon the table.

Senator Karkavelas inquired if the resolution was laid upon the table, would it then require a two-thirds vote of the Senate to take it off the table. The reply was a majority vote would be required, rather than a two-thirds vote.

Senator Rainie moved that the Senate adjourn. This motion was seconded by Senator Bennett, District No. 5.

Question being on the motion to adjourn.

Senator Packard demanded a roll call on the above motion.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Bennett, Rogers, Cleveland, Holmes and Rainie. The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, DeLude, Anderson, Rhodes, English, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

Five Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the negative prevailed, and the motion to adjourn was lost.

Question being on the motion of Senator Cleveland that the resolution be laid upon the table.

Senator Caron requested a brief recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator Karkavelas requested a division on the motion to lay upon the table.

Seven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the negative prevailed, and the motion to lay upon the table was lost.

Question now being on Senator Packard's motion to indefinitely postpone the resolution.

Senator Karkavelas requested a Division.

Fourteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the motion to indefinitely postpone was adopted.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order this afternoon at 2:00 o'clock to be made in order at the present time.

### Afternoon Session

On motion of Senator Packard, District No. 16, the Senate adjourned.

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THURSDAY, FEBRUARY 14, 1957

The Senate met according to adjournment.

### Leave of Absence

Senator Anderson, District No. 9, requested leave of absence for the day on account of important business. This request was granted by the Chair.

### Introduction of Senate Bills

Senator Rogers, District No. 6, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary :

Senate Bill No. 59, An Act relative to borrowing by cities and towns.

Senator Holmes, District No. 12, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred :

To the Committee on Judiciary :

Senate Bill No. 60, An Act relative to intentional and unintentional contribution to delinquency.

Senator DeLude, District No. 8, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred :

To the Committee on Ways and Means :

Senate Bill No. 61, An Act relative to transfer of unclaimed ticket money from horse racing into general funds.

Senator O'Brien, District No. 2, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred :

To the Committee on Liquor Laws :

Senate Bill No. 62, An Act relating to the issuance of licenses for the sale of liquor in restaurants.

Senator Rhodes, District No. 10, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred :

To the Committee on Public Works :

Senate Bill No. 63, An Act relative to reclassification of a road in Walpole.

Senator Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred :

To the Committee on Judiciary :

Senate Bill No. 64, An Act relative to expenditure of state appropriations.

### **Committee Reports**

Senator Humphreys, District No. 24, for the Committee on Judiciary, to whom was referred :

Senate Bill No. 32, An Act relative to out-of-state parolee supervision.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, Chairman of the Judiciary Committee, to speak on the bill:

"Mr. President, this bill is to amend a bill previously adopted, whereby the State of New Hampshire can go into interstate deliberations with other states in regulating parolees of this State who are at present in other states. This bill simply includes District of Columbia, Porto Rico and Alaska, which inadvertently had been left out of legislation. There was no opposition."

On a *viva voce* vote, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 48, An Act relative to fee paid by legislative counsel.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, to speak on the bill:

"Mr. President, this bill is a rather minor one. It seems to be completely uncontroversial. It provides that when a legislative counsel is representing more than one client here in the Legislature, he must pay a filing fee for each client. No opposition."

On a *viva voce* vote, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 50, An Act relative to special sessions of probate court.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, to speak on the bill:

"Mr. President, this bill also is a bill in which there was no opposition at the hearing. What this bill does is to allow the probate judge a fee of \$10 for a special session if testimony is taken at the special session. Otherwise, the fee is as it is now for a special session, \$5.00."

The President recognized Senator Rainie, District No. 15:

"This bill is entirely reasonable. The only thing that bothers me is the fact that the measure is whether or not testimony is taken. There is no further proviso that he is going to get an additional \$10 for a half or \$20 for a whole day. The bill is all right. I would just suggest that when the bill that is in process somewhere, relative to the pay of probate judges, comes up, that had better follow in line. This additional compensation from this bill is going to have some influence on our vote on that bill."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Merrill, for the Committee on Education, to whom was referred:

House Bill No. 5, An Act relative to capital reserve fund established by the Hillsborough School District.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12, to speak on the bill:

"Mr. President, House Bill No. 5 allows the former Hillsborough School District to transfer the balance of its capital reserve fund to the Hillsborough - Deering Cooperative School District No. 4, to be used as a credit against the assessment to be raised by the former Hillsborough School District for the fiscal year ending June 30, 1957. There was no opposition."

The President recognized Senator Packard, District No. 6, who requested permission to ask a question of Senator Holmes, which was granted by the Chair:

"How much money was involved?"

The President recognized Senator Holmes, who replied that she was unable to answer.

The President recognized Senator DeLude, District No. 8, who stated that the amount of money involved was about \$5,000.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Merrill, for the Committee on Education, to whom was referred:

House Bill No. 42, An Act relative to voting in school district meetings.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

The report was accepted, and the President requested the Clerk to read the amendment:

Amend said bill by striking out section 1 and inserting in place thereof the following: 1. *School District Meetings.* Amend RSA 197:11 by striking out the word "three" in the third line and inserting in place thereof the word, six; further amend by adding at the end of said section the words, provided however, that the provisions of RSA 54:8, relating to transfer cards, shall apply, so that said section as amended shall read as follows: 197:11. *Voters.* Any person qualified to vote in town affairs may vote at school district meetings in the district in which such person has resided and has a home six months next preceding this meeting; provided however, that the provisions of RSA 54:8, relating to transfer cards, shall apply."

The President recognized Senator Holmes, to speak on the bill and the amendment:

"Mr. President, the amendment makes transfer cards applicable as in other voting. The bill changes residence requirement for voting in school district meetings from three to six months."

The President recognized Senator English, District No. 11, requested permission to ask a question of Senator Holmes, which was granted by the Chair:

"It makes it possible then to use the town checklist?"

Senator Holmes replied:

"Yes, in most places. There are a few towns in the state (less than ten in the state) where this would not be possible."



On a *viva voce* vote, the affirmative prevailed, amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### **Special Order of Business**

Senator Rogers, District No. 6, called for the Special Order of Business for this morning at 11:01 o'clock, it being action on the amendment to the amendment offered by Senator Rogers to the Concurrent Resolution relative to the effective date of bills.

The President recognized Senator Rogers:

"Mr. President, I wish to withdraw the amendment to the amendment submitted by me at yesterday's session."

The President stated that if there was no objection on the part of the Senate, he would agree to the withdrawal of the amendment to the amendment.

There was no objection and the amendment to the amendment was withdrawn.

The President recognized Senator Rogers:

"I move that the amendment to the Concurrent Resolution, pertaining to the effective date of bills, be amended so that the new Rule 13 shall read as follows:

13. Unless otherwise specifically provided by the general court, each law, other than resolutions, passed by the general court shall take effect on the sixtieth calendar day following passage excluding the date on which it is signed by the governor, or the last date on which the general court acts on the matter, as the case may be."

On a *viva voce* vote, the affirmative prevailed, and the amendment to the amendment was adopted.

Question being, Shall the amendment to the Concurrent Resolution be adopted?

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

Question being, Shall the Concurrent Resolution as amended be adopted?

On a *viva voce* vote, the affirmative prevailed, and the Concurrent Resolution as amended was adopted, and messaged to the House of Representatives for concurrence in Senate amendment.

The President recognized Senator Lamontagne, District No. 1, who moved that the Senate take from the table the resolution amending Senate Rule 9 as printed on page 12 of the Senate Journal of February 7, 1957.

On a *viva voce* vote, the affirmative prevailed, and the resolution was taken from the table.

The President announced that this resolution has to do with the changing of order of precedence of motions.

The President recognized Senator Cleveland, District No. 7, to explain the change in Rule 9:

"Mr. President, subject to correction from the Chair, as I understand it, the object of this is to bring our Senate Rules into line with those of the House. As I understand it, as Rule 9 now stands, the motion to indefinitely postpone is fourth on the list. This moves it down to sixth on the list. The House has adopted this change and there was some feeling that the Rules of the House and Senate should conform. I do not think this rule is as important in the Senate as in the House, but it would be well to have them conform. That is about all I have to say on it, Mr. President."

Senator Paquette, District No. 13, requested permission to question Senator Cleveland, which was granted by the Chair:

"Will you please give a little more explanation of what it does."

The President recognized Senator Cleveland to speak:

"As I understand the situation, at the present time, if you will look at Rule 9, the motion to indefinitely postpone is number four on the list. Under this change, it will be moved down to number six on the list. This is all this change does. The House has already done the same thing."

The President recognized Senator Karkavelas, District No. 21, who requested permission to question Senator Cleveland, which was granted by the Chair:

"What is to be gained by doing this?"

Senator Cleveland replied:

"I think that the only thing to be gained is just to bring us into conformity with the House Rules. It was unanimously adopted by the House. Here in the Senate, I don't know if the

reason for the change is as important as in the House. But it is felt that members of the Senate who have served in the House will find it easier."

Question being on the adoption of the resolution changing Senate Rule 9.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

The President recognized Senator Cleveland, District No. 7, who moved that the resolution introduced by him on February 7, to be found in the Journal of the Senate for Thursday on Pages 12 and 13, having to do with the Senate Rules, be taken from the table.

On a *viva voce* vote, the affirmative prevailed, and the above referred to resolution was taken from the table.

Question being on the adoption of the resolution offered by Senator Cleveland.

The President recognized Senator Cleveland to speak on the resolution:

"This resolution adds two new Senate Rules. I don't think that an explanation is necessary. These new Rules 36 and 37 write into the Senate Rules the report of the Special Committee consisting of the President, Senator Packard, District No. 16, and Senator Merrill, District No. 23, that were adopted sometime ago. We have been operating under these Rules and as far as I can see, we have been operating very successfully and very happily."

Question being on the adoption of the resolution offered by Senator Cleveland.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

The President recognized Senator Humphreys, District No. 24:

"I rise on a point of personal privilege. Mr. President, yesterday in this ancient and honorable Chamber, a very special privilege was taken from me. All my lifetime, I have been more or less a leader, and have been at the top, or near the top in many things; sports, committees, etc. But I have a desire to be closer to the bottom sometimes. Mr. President, I am not bragging when I say those things. I had just hoped to have the place reserved for me, which has been held by my

predecessors from Senate District No. 24 — the privilege of voting last in a roll call.”

The President announced that at the beginning of the 1957 session of the Senate, he noticed that the Clerk began all roll calls with the Senator from District No. 1. It was at the President’s request that the Clerk had changed this routine and had since that time started roll calls with the name of the Senator who demanded the roll call. This procedure is followed in the House and the President had thought it might be well to follow it also in the Senate. He further stated that if the Senator from the 24th District feels so strongly about this matter of being last, he would instruct the Clerk hereafter to start all roll calls beginning with the Senator from the 1st District.

The President recognized Senator Packard, District No. 16, who inquired as follows:

“Mr. President, do I understand that in the future, all roll calls will start with the Senator from District No. 1, unless otherwise ordered by the Senate?”

The President replied in the affirmative.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o’clock to be made in order at the present time, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o’clock.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

Senate Bill No. 32, An Act relative to out-of-state parolee supervision.

Senate Bill No. 48, An Act relative to fee paid by legislative counsel.

Senate Bill No. 50, An Act relative to special sessions of probate court.

House Bill No. 5, An Act relative to capital reserve fund established by the Hillsborough School District.

House Bill No. 42, An Act relative to voting in school district meetings.

On motion of Senator Packard, District No. 16, the Senate adjourned until Tuesday morning at 11:00 o’clock.

TUESDAY, FEBRUARY 19, 1957

The Senate met according to adjournment.

### Leave of Absence

Senator Humphreys, District No. 24, requested leave of absence for the day on account of illness. This leave was granted by the President.

### Introduction of Guests

The President welcomed to the floor of the Senate, Master Donald Charles Daniel, son of Senator Daniel, District No. 19, and Master Raymond Gossilin, who was also the guest of Senator Daniel, District No. 19. Also, Mr. Harry Jackson and the grandson of Senator O'Brien, District No. 2, Robert Quinn, who were the guests of Senator O'Brien. Also, John Shannon and Bradford Hills, students at Concord Junior High School, who were the guests of the Chair. Also, Mr. and Mrs. Arthur Thompson and their daughter Elizabeth, and son Charles, from Wilmot, New Hampshire, who were the guests of Senator Cleveland, District No. 7. Also, as the guest of Senator DeLude, District No. 8, her son Cortland DeLude.

### Announcement

The President stated that he was going to change the order of business slightly this morning, unless there was objection on the part of the Senate, and would request that the following letter from the Attorney General's office be printed in the body of today's Journal of the Senate. This letter is in regard to the proper procedure to provide a presiding officer of the Senate in the absence of the Governor from the state. The President stated that this question had arisen because of the fact that the Governor is leaving the State this afternoon at approximately 1:30 o'clock and will not be back for one week.

The Honorable Eralsey C. Ferguson

President of the Senate

Senate Chamber

Concord, New Hampshire

DEAR SENATOR FERGUSON:

In a conference yesterday you pointed out that Governor Dwinell expects to be out of the state for a period of several days — during which the General Court will be in session —

and you inquired what arrangements ought to be made with respect to presiding over the Senate during such period.

While the Governor is absent you expect, conformably with Part II, Article 49 of the Constitution to exercise the powers of the Governor; and the question which is under consideration arises because of that provision of the Article cited which prohibits the President holding his office in the Senate during the time he is serving in the place of the Governor.

Upon a consideration of all of the relevant factors, we are of the opinion that a President *pro tempore* ought to be elected by the Senate to preside over that body during the time you will be occupying the Governor's chair under the present circumstances.

Your attention is invited to Rule 21 of the Rules of the Senate which reads, in part, as follows:

"The President may at any time name any member to perform the duties of the chair; but such substitution shall not extend beyond one legislative day."

Under this Rule the President may make provision for the chair of the Senate when he expects to exercise the powers of the Governor for one day only. But the Rule above quoted contains its own limitation; the power to appoint a substitute to preside does not extend beyond the end of the legislative day upon which his substitution becomes effective. It is noted that the duration of appointment so provided is common among legislative assemblies.

Cushing in his "Law and Practice of Legislative Assemblies" in section 313 notes the power of a presiding officer even apart from formal rule, to substitute some other member to perform the duties of the chair in his place, such substitution to be limited to the "then present sitting."

Since the power of the President to appoint a substitute does not extend beyond the close of the next legislative day, provision for a longer period must be made by the Senate itself through the election of a President *pro tempore*. This it may do under the authority granted it in *Const.*, Part II, Art. 37, to appoint "other officers." See *Op. of Justices*, 87 N. H. 489.

Very truly yours,

WARREN E. WATERS,  
*Deputy Attorney General.*

The President recognized Senator Lamontagne, District No. 1, who moved that the Senate proceed to the election of a President *pro tempore* for the period during the presently expected absence of the Governor during which time the President of the Senate is Acting Governor.

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

The President recognized Senator Lamontagne, District No. 1, who placed in nomination the name of Senator Cleveland, District No. 7, as President *pro tempore* of the Senate.

The above nomination was seconded by Senator Bennett, District No. 5.

On motion of Senator Karkavelas, District No. 21, the nominations were closed, and the Clerk was instructed to cast one ballot for Senator Cleveland, District No. 7, as President *pro tempore* of the Senate.

The President gave a report of the vote, as follows:

"Total number of votes cast .....	1
Necessary for choice .....	1

Senator Cleveland having received one vote, is hereby declared as having been elected President *pro tempore* of the Senate."

### Announcements

The President stated that the New Hampshire Heart Association calls attention to the meeting to be held this evening in Representatives Hall. At this meeting, six Concord heart specialists will talk on heart diseases. Attorney Paul A. Rinden, Chairman of the Concord Heart Fund, has requested that as many as possible attend this forum.

The President also announced that the following letter with plans and estimates had been transmitted to the Senate by vote of the Governor and Council, who submitted the same without recommendation:

STATE OF NEW HAMPSHIRE  
COMMISSION OF MENTAL HEALTH  
CONCORD, N. H.

December 4, 1956

Governor Lane Dwinell and  
Members of the Governor's Council  
State House  
Concord, New Hampshire  
YOUR EXCELLENCY AND HONORABLE MEMBERS  
OF THE COUNCIL:

In compliance with Chapter 328, Section 3, Laws of 1955, the Commission of Mental Health has prepared plans for an "In-Patient Mental Hygiene Clinic for Children" submitted herein.

You will recall that in the course of the last legislative session there was considerable divergence of opinion on the part of many groups interested in the welfare of children as to the type of service that an in-patient facility should provide. Study of these differing requirements has continued, and we have determined that the most children whose difficulties require an in-patient stay because of neuropsychiatric disease or reasonable suspicion of such disease, will benefit from intensive study and treatment over a short period with follow-up supervision of a determined treatment regime to be carried on outside the unit and utilizing other facilities within the State that may be available for individual cases.

This program is medically oriented and will meet the recommendations of the Mental Health Committee of the State Society, as well as assisting with problems of the Industrial School, courts, and others. Definitive treatment will be possible with certain types of cases.

The unit is designed to provide flexibility in order to service children referred at any one time, with minimal regard to age or gender. Hence there are 15 beds in all, divided between single rooms and small dormitories, and between children's and adolescent's size. The staffing pattern anticipates about 10 patients in residence at any one time, with the expectation of short stays averaging perhaps four to six weeks.

Respectfully submitted,

/s/ JOHN R. McLANE, JR.,  
*Chairman.*



The President further announced that there are only three copies of this proposed plan available; the Governor, the President of the Senate, and the Speaker of the House have these copies. The Chair remembers the request of Senator Packard, District No. 16, in regard to having sufficient copies of material such as this complied so that all Senators may have them. There is no recommendation one way or another. The Finance Committee of the Senate will undoubtedly take this into consideration when the capital budget comes in. I do not know of any provision in the Governor's budget to take care of this. Any Senator interested in it may request that additional copies are made available for all Senators.

### **Introduction of Senate Bills**

Senator Adams, District No. 22, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 65, An Act relative to offenses against minors.

Senator Packard, District No. 16, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 66, An Act relating to the taxation of house trailers and mobilehomes.

Senator Bennett, District No. 5, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 67, An Act relative to extension of time for making up list of poll taxes.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 41, An Act legalizing proceedings at the November, 1956, election held in the towns of Ashland and Holderness.

House Bill No. 80, An Act relative to reporting of fires to the state fire marshal.

House Bill No. 108, An Act relative to the issuance of county bonds.

House Bill No. 131, An Act relating to the reporting of joint bank deposits for legacy and succession tax purposes.

House Bill No. 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 27, An Act to enable the town of Rindge to establish a trust fund.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Ways and Means:

House Bill No. 41, An Act legalizing the proceedings at the November, 1956, election held in the towns of Ashland and Holderness.

House Bill No. 131, An Act relating to the reporting of joint bank deposits for legacy and succession tax purposes.

To the Committee on Banks and Insurance:

House Bill No. 80, An Act relative to reporting of fires to the state fire marshal.

House Bill No. 108, An Act relative to the issuance of county bonds.

To the Committee on Liquor Laws:

House Bill No. 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

### **Committee Reports**

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 33, An Act relative to supervision of reports of income by certain county and municipal officers.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, the present law, which is found in RSA Chapter 30, Section 5, calls for a report of income by the justice of the probate court, and various other county and municipal officers, to be filed with the Secretary of State. Such statement shall be under oath. All that this law does here is simply to permit these reports to be examined by the Attorney General's office. What it really does is to put teeth into the law. It creates a supervising agency over these reports. It makes it mandatory that the reports be filed, and provides examination of them after they have been filed."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

House Bill No. 30, An Act increasing the salary of the clerk of the Manchester municipal court.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, at the present time, the salary of the clerk of the Manchester municipal court is \$2,300. This is a court that has a lot of business. There are daily sessions, and a lot of book work, etc., which takes a lot of time. The Manchester Delegation in the House wishes the bill passed. This bill increases the salary \$1,000 which brings the salary up to \$3,300. It seemed to the committee that this is not an unreasonable figure to be paid and they reported it favorably."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

The President requested Senator Cleveland, District No. 7, to assume the Chair.

(Senator Cleveland in the Chair)

The presiding officer recognized Senator Packard, District No. 16, who requested permission to leave the session as he had a speaking engagement in Manchester. This request was granted by the Chair.

### Committee Reports (continued)

Senator DeLude, for the Committee on Ways and Means, to whom were referred:

House Bill No. 40, An Act legalizing the biennial election, 1956, in the town of Cornish.

House Bill No. 51, An Act legalizing the biennial election of November, 1956, in the town of Plymouth.

Having considered the same, reported the same without amendments, and recommended their passage.

The reports were accepted.

The presiding officer recognized Senator Rainie, District No. 15, to speak on the above bills:

"These two bills are merely routine bills. They are typical bills of some little technical oversight or carelessness on the part of some officers of the town in failure to publish the notice of the meeting in time, etc. They merely correct a technical defect."

On a *viva voce* vote, the affirmative prevailed, the recommendations of the committee were adopted, and the bills were ordered to a third reading this afternoon at 2:00 o'clock.

The Chair recognized Senator Rogers, District No. 6:

"Mr. President, I move that the order whereby Senate Bill No. 59, An Act relative to borrowing by cities and towns, was referred to the Committee on Judiciary be vacated, and that the bill be referred to the Committee on Banks and Insurance. Senate Bill No. 59, which was introduced at last Thursday's session, would amend the municipal finance act. It was referred to the Committee on Judiciary. Another earlier bill, Senate Bill No. 31, An Act providing that temporary loans may be made for a period not exceeding one year, which also amends the municipal finance act, was referred to the Committee on Banks and Insurance. Both of these bills were introduced by me at the request of the Mayor and City Council of Laconia. I understand that there will be some interest shown in this bill

by the same people, both from Laconia and other cities. The Tax Commission also wish to appear and will have some objection to these bills. It is, therefore, desirable that both bills be referred to the same committee and listed for hearing at the same time."

On a *viva voce* vote, the affirmative prevailed, motion adopted, and Senate Bill No. 59 was referred to the Committee on Banks and Insurance.

The presiding officer recognized Senator Anderson, District No. 9, who offered the following resolution, which was adopted unanimously by a standing vote of the Senate:

### **Resolution**

*Whereas*, we have learned with sorrow of the passing of Harry H. Holmes, former member of the State Senate from District 9, and

*Whereas*, Mr. Holmes had also served as a member of the Honorable Council, now therefore be it

*Resolved*, That we, the members of the State Senate, pay tribute to our former associate for his services to his town and state, and express our deep sympathy to the family in its bereavement, and be it therefore

*Resolved*, That when the Senate adjourns today, it be in memory of former Senator Holmes, and that the Clerk be instructed to transmit a copy of these resolutions to Mrs. Holmes.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

Senate Bill No. 33, An Act relative to supervision of reports of income by certain county and municipal officers.

House Bill No. 30, An Act increasing the salary of the clerk of the Manchester municipal court.

House Bill No. 40, An Act legalizing the biennial election, 1956, in the town of Cornish.

House Bill No. 51, An Act legalizing the biennial election of November, 1956, in the town of Plymouth.

(The President of the Senate in the Chair)

On motion of Senator Caron, District No. 17, the Senate adjourned in memory of Harry H. Holmes, former member of the State Senate from District No. 9.

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WEDNESDAY, FEBRUARY 20, 1957

The Senate met according to adjournment.

Senator Packard, District No. 16, presiding.

#### **Leave of Absence**

Senator Humphreys, District No. 24, requested leave of absence for the day on account of illness. This request was granted by the Chair.

#### **Introduction of Guests**

The presiding officer welcomed the following guests to the floor of the Senate: As guests of Senator Bergeron, District No. 20, his two sons, Mark and Guy, students at the Holy Rosary School in Rochester. As the guest of Senator DeLude, District No. 8, her son, Cortland. As guests of the presiding officer, his son, Randall, and daughter, Verdy.

#### **Introduction of Senate Bill**

Senator DeLude, District No. 8, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 68, An Act establishing an agreement on detainers.

#### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

House Bill No. 58, An Act relative to inspectors in the labor department.

House Bill No. 66, An Act relating to the salary of the deputy register of probate for Carroll County.

House Bill No. 78, An Act relative to marine toilets and disposal of sewage from boats.

House Bill No. 83, An Act relative to misrepresentation by minor for the purpose of purchase of liquor or beverages.

House Bill No. 89, An Act repealing the provisions for annual returns and annual return fees for voluntary corporations.

House Bill No. 101, An Act exempting from yield tax trees cut for Christmas trees.

House Bill No. 111, An Act relative to the salary of the Carroll County Solicitor.

House Bill No. 156, An Act relating to disposal of roadside brush.

House Bill No. 160, An Act relative to reimbursement of municipalities for forest fire expense.

House Bill No. 222, An Act for additional appropriation for dormitory for women at the University.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 42, An Act relative to voting in school district meetings.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in the passage of the following Concurrent Resolution, and asks for a Committee of Conference:

*Resolved* by the House, the Senate concurring.

*That* the joint rules of the Senate and House of Representatives as adopted by the House and Senate for the session of 1955 be adopted for the present session with the following additional rule:

13. Unless otherwise specifically provided by the General Court each law, other than resolutions, passed by the General Court shall take effect on the sixtieth calendar day following passage excluding the date on which it is signed by the Governor, or the last date on which the General Court acts on the matter, as the case may be.

The Speaker has appointed as members of such committee on the part of the House the Messrs. McMeekin of Haverhill, Pillsbury of Manchester and Craig of Manchester.

On motion of Senator Lamontagne, District No. 1, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above Concurrent Resolution.

Pursuant to the above, the presiding officer appointed as members of such committee on the part of the Senate, Senator Lamontagne, District No. 1, and Senator Cleveland, District No. 7.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Labor:

House Bill No. 58, An Act relative to inspectors in the labor department.

To the Committee on Finance:

House Bill No. 66, An Act relating to the salary of the deputy register of probate for Carroll County.

To the Committee on Public Health, Welfare and State Institutions:

House Bill No. 78, An Act relative to marine toilets and disposal of sewage from boats.

To the Committee on Liquor Laws:

House Bill No. 83, An Act relative to misrepresentation by minor for the purpose of purchase of liquor or beverages.

To the Committee on Ways and Means:

House Bill No. 89, An Act repealing the provisions for annual returns and annual return fees for voluntary corporations.

House Bill No. 101, An Act exempting from yield tax trees cut for Christmas trees.

House Bill No. 111, An Act relative to the salary of the Carroll County Solicitor.



To the Committee on Resources, Recreation and Development:

House Bill No. 156, An Act relating to disposal of roadside brush.

House Bill No. 160, An Act relative to reimbursement of municipalities for forest fire expense.

To the Joint Committee on Education and Finance.

House Bill No. 222, An Act for additional appropriation for dormitory for women at the University.

### Committee Reports

Senator Holmes, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Cleveland, District No. 7, to explain the bill:

"Mr. President, the purpose of this bill is to include in the provisions of the civil defense bill student nurses who are engaged in training. This was left out by an oversight in the passage of previous legislation. There was no opposition."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rogers, for the Committee on Banks and Insurance, to whom was referred:

Senate Bill No. 24, An Act concerning investments by savings banks in mortgages of improvements on land subject to a United States Forest Service permit.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Rogers, District No. 6, to explain the bill:

"Mr. President, at the request of the Chairman of the Committee on Banks and Insurance, I would explain that

Senate Bill No. 24 amends an existing statute relative to mortgages on property not owned by the mortgagee. This bill was favored by the Bank Commissioner. This bill would permit savings banks to loan money on land under lease from the National Forest."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rogers, for the Committee on Banks and Insurance, to whom was referred:

House Bill No. 52, An Act relative to requirements for bank institutions protection against losses.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Rogers, District No. 6, to speak on the bill:

"Mr. President, House Bill No. 52 would strike out from the present law the words 'he shall not require protection or indemnity in excess of one hundred thousand dollars against losses resulting from the acts of any one person' which is now mandatory. Under this bill, the Bank Commissioner may require a reasonable limitation for the protection of losses to any banking institution. In view of the increased size of the banks, it was agreed by the Bank Commissioner and the banking associations that such a limitation would not be desirable, so if this amendment passes, the Bank Commissioner may set any limit that he believes to be required."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### Afternoon Session

### Third Reading of Bills

The following entitled bills were read a third time, and passed:

Senate Bill No. 24, An Act concerning investments by savings banks in mortgages of improvements on land subject to a United States Forest Service permit.

Senate Bill No. 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense.

House Bill No. 52, An Act relative to requirements for bank institutions protection against losses.

On motion of Senator Provost, District No. 18, the Senate adjourned.

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THURSDAY, FEBRUARY 21, 1957

The Senate met according to adjournment.

Senator Cleveland, District No. 7, President pro tempore of the Senate, presiding.

**Leave of Absence**

Senators Merrill, District No. 23, and Humphreys, District No. 24, requested leaves of absence for the day on account of illness. These requests were granted by the Chair.

**Introduction of Guests**

The presiding officer welcomed to the floor of the Senate the Honorable Senator Emmet Kelley of Berlin, who was the guest of the members of the minority party of the Senate, and Senator Adams, District No. 22.

**Introduction of Senate Bills**

Senator Holmes, District No. 12, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 69, An Act relative to distribution of supreme court reports.

Senator Anderson, District No. 9, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Banks and Insurance:

Senate Bill No. 70, An Act relative to investments by domestic life insurance companies.

### Committee Reports

Senator Holmes, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 51, An Act relative to the salaries of the judges of the probate courts.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Holmes to explain the bill:

"This bill raises the salaries of Probate court judges. It is an average raise of approximately 19 per cent. The committee felt the judges should have an increase in salary and the bill will go to the Finance Committee."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the above entitled bill was referred to the Committee on Finance, under the rules.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 39, An Act relative to payments to state institutions.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Rainie, District No. 15, to speak on the bill:

"Mr. President, this bill boils down to an income tax situation. The bill provides that if you pay to a State institution for the support or care of a patient that those payments shall conclusively be deemed an account of medical services. These services are deductible under the federal income tax law and this bill will enable those people who are paying for patients at State institutions to benefit by this accommodation."

On a *viva voce* vote, the affirmative prevailed, the recommendation of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom were referred:

House Bill No. 138, An Act legalizing the proceedings of the biennial town meeting in the town of Sanbornton.

House Bill No. 145, An Act legalizing the biennial election, 1956, in the town of Weare.

Having considered the same, reported the same without amendments, and recommended their passage.

The reports were accepted.

The presiding officer recognized Senator Rainie, District No. 15, to explain the above entitled two bills:

"Mr. President, these are the customary bills, which correct situations created by the failure of some town officer to get the notices posted in time. It is a purely technical matter, and the committee felt that these two bills ought to pass."

On a *viva voce* vote, the affirmative prevailed, the recommendations of the committee were adopted, and the two above entitled bills were ordered to a third reading this afternoon at 2:00 o'clock.

Senator Merrill, for the Committee on Education, to whom was referred:

Senate Bill No. 47, An Act to authorize the school district of Barnstead to exceed its limit of bonded indebtedness.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

The report was accepted.

The Clerk proceeded to read the amendment:

Amend said bill by striking out the whole thereof and inserting in place thereof the following: 1. *Authorization.* The school district of Barnstead is hereby authorized and empowered at a regular or special meeting, duly called for the purpose, to raise and appropriate a sum not exceeding one hundred eight thousand, eight hundred and fifty dollars for the construction of a new school building, including the acquisition of land, grading, purchase of furniture, furnishings and equipment, and to incur indebtedness not exceeding the aforesaid amount for said purposes by the issuance of bonds or serial notes. The debt limit aforesaid is hereby authorized despite the provisions of any existing law or statute, provided

however, that if the debt limitation provided in RSA 33:4 is increased then said school district is authorized and empowered to incur indebtedness for the purpose aforesaid within the limits prescribed in RSA 33:4 as increased, and in all other respects the issuance and repayment of any bonds or serial notes shall be in accordance with the provisions of RSA 33.

2. *Takes Effect.* This act shall take effect upon its passage.

The presiding officer recognized Senator Holmes, District No. 12, to explain the amendment:

“Mr. President, the amendment changes the amount which the School District requests authority to borrow from \$125,000 to \$108,850. This new figure comes within the statutory limitation of 4½% of the district’s assessed valuation as equalized. The other change the amendment makes is to add a clause providing that the authority granted in the bill does not affect the future power of the District to borrow greater sums if such power should be legally authorized in the future.”

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o’clock.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 46, An Act relative to ice fishing in Umbagog Lake.

Amend section 1 of the bill by striking out the word “fish” in the second line and inserting in place thereof the word, pickerel, so that said section as amended shall read as follows: 1. *Umbagog Lake.* Ice fishing on Umbagog Lake

is hereby permitted provided that no person shall take more than five pickerel through the ice from said lake in one day.

Amend section 2 of the bill by striking out the word "fish" in the fourth line and inserting in place thereof the word, pickerel, so that said section as amended shall read as follows:  
2. *Application of Statutes.* Except in so far as may be otherwise provided under the provisions of section 1 hereof all provisions relative to ice fishing as provided in the fish and game laws shall apply to the taking of pickerel through the ice from Umbagog Lake. Further provided that the fish and game director shall not have authority to make a regulation under the provisions of RSA 206:10 which will amend the provisions of section 1 hereof.

The presiding officer recognized Senator Lamontagne, District No. 1, who moved that the Senate concur in the above amendment sent up from the House of Representatives.

On a *viva voce* vote, the affirmative prevailed, and the Senate concurred in the adoption of the amendment to the above entitled bill.

The presiding officer recognized Senator English, District No. 11, who spoke as follows:

"The members of the Senate will recall that a Special Committee to consider revision in the form of the Senate Journal was recently appointed. This committee has thought it better to take up these proposed changes piecemeal, a few at a time, rather than delay further and take them all up at once. I submit herewith the First Report of this Special Committee appointed to Revise the Senate Journal."

### **First Report**

#### **Committee to Revise the Senate Journal**

The committee has decided to take up proposed changes in stages.

1. At this time the committee recommends: That on every occasion when reference is made to a bill that reference be with the initials SB, HB, SJR, HJR, etc.

2. Recommended that the pages of the Journal be numbered serially from the beginning of the session to facilitate reference.

3. That the remarks of senators on the floor normally be recorded by the Senate Recorder with a single sentence, i.e., "The Senator from the 1st District favored the passage of the bill because it would aid the farmers." Whenever a senator desires to have his statement extended he should submit a paragraph to the Recorder after the session summarizing in his own words his remarks.

Senator English stated:

"No procedure has been worked out as to how these changes should be brought into effect. However, in the case of the first three proposals submitted herewith, I would suggest, if there is no objection on the part of the Senate, it may be brought into effect as soon as possible."

Question being on the adoption of the Report of the Special Committee to revise the Senate Journal.

Senator Packard, District No. 16, requested that the Clerk read the proposals submitted, which request was granted by the Chair.

The presiding officer recognized Senator Packard, District No. 16:

"Mr. President, the first two proposals are very good and have merit. However, regarding the third proposal, it seems to me that at the beginning of this session we had somewhat of a discussion on this particular question. In my opinion, the new way of writing up the Journal as adopted this session has been very good. All matters have been covered thoroughly and I have been very pleased with it. I would object to any change in the set up of the Journal as it has been written up in the past few weeks."

The presiding officer recognized Senator Lamontagne, District No. 1, who spoke in favor of the adoption of all three recommendations of the Special Committee.

The Chair suggested that the Report of the Special Committee might be laid upon the table and made a Special Order of Business for some day soon.

The presiding officer recognized Senator Packard, District No. 16:

"I don't know the exact procedure, but I would like to vote



OK on the first two proposals, but on the third one I would like to hold back as I do not like the changes that appear here.”

Question being on the motion of Senator Packard that the subject matter of the Report of the Special Committee be divided.

On a *viva voce* vote, the affirmative prevailed, and the Report of the Special Committee was divided for voting.

Question being on the adoption of the first two proposals of the Report of the Special Committee.

On a *viva voce* vote, the affirmative prevailed, and the first two parts of the Report of the Special Committee were adopted.

Question being on the adoption of the third part of the above mentioned report.

The presiding officer recognized Senator Packard, District No. 16; who moved that the third part of this Report of the Special Committee be laid upon the table, printed in today's Journal, and taken up at a later time.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

Senate Bill No. 39, An Act relative to payments to state institutions.

Senate Bill No. 47, An Act to authorize the school district of Barnstead to exceed its limit of bonded indebtedness.

House Bill No. 138, An Act legalizing the proceedings of the biennial town meeting in the town of Sanbornton.

House Bill No. 145, An Act legalizing the biennial election, 1956, in the town of Weare.

On motion of Senator Daniel, District No. 19, the Senate adjourned until Tuesday morning, February 26, at 11:00 o'clock.

TUESDAY, FEBRUARY 26, 1957

The Senate met according to adjournment.

Senator English, District No. 11, presiding.

### **Leave of Absence**

Senator Bennett, District No. 5, requested leave of absence for the day on account of important business. This request was granted by the Chair.

### **Introduction of Guests**

The presiding officer welcomed the following guests: Mrs. Julia H. White of Portsmouth, the sister of Senator Humphreys, District No. 24, who was the guest of that Senator. The following members of Boy Scout Troop 69 of Bradford in charge of Scoutmaster Donald Keith, who were the guests of Senator Anderson, District No. 9: Kenneth Anderson, Robert Moore, George Hosmer, Richard Gove, Richard Mitchner, Stan Swinehart and Ernest Nichols. Mr. Robert J. Cohen, student at the University of New Hampshire, majoring in government, who is also Vice Chairman of the New Hampshire Young Republicans, who was the guest of Senator Packard, District No. 16. Greetings were also extended to the Honorable Herman Krueger, Mayor of Franklin, who was the guest of Senator Cleveland, District No. 7.

### **Introduction of Senate Bills**

Senator Lamontagne, District No. 1, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Labor:

SB 71, An Act relating to bids by sub-contractors.

Senator Rhodes, District No. 10, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

SB 72, An Act relative to compensation for the Commissioners of Cheshire County.

Senator Holmes, District No. 12, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Education:

SB 73, An Act relative to optional allowances under the teachers' retirement system.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 48, An Act authorizing the interstate compact relating to flood control of the Merrimack River.

HB 63, An Act relative to the trespass of domestic animals and damages to real property.

HB 68, An Act in relation to Union Trust Company.

HB 71, An Act relative to emergency use of party line telephones.

HB 73, An Act relative to transfer of permanent policemen who are present members of the state employees' retirement system to the policemen's retirement system.

HB 74, An Act relative to acceptance of the provisions of the policemen's retirement system.

HB 94, An Act relating to water companies when not public utilities.

### Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Finance:

HB 48, An Act authorizing an interstate compact relating to flood control of the Merrimack River.

HB 73, An Act relative to transfer of permanent policemen who are present members of the state employees' retirement system to the policemen's retirement system.

HB 74, An Act relative to acceptance of the provisions of the policemen's retirement system.

To the Committee on Ways and Means:

HB 63, An Act relative to the trespass of domestic animals and damages to real property.

HB 68, An Act in relation to Union Trust Company.

To the Committee on Judiciary:

HB 71, An Act relative to emergency use of party line telephones.

HB 94, An Act relating to water companies when not public utilities.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 4, An Act relative to benefits under the firemen's retirement system.

### Committee Reports

Senator Holmes, for the Committee on Judiciary, to whom was referred:

SB 60, An Act relative to intentional and unintentional contribution to delinquency.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Cleveland, District No. 7, to explain the bill:

"Mr. President, this bill introduced by Senator Holmes, District No. 12, at the request of the Attorney General, is an attempt to make parents responsible for the willful acts of their children. There was no opposition at the hearing. Other states have this type of legislation and the committee felt that this approach to juvenile delinquency was worth a try. There is already a law on the books, but it has not been enforced. Under this bill, parents of delinquent children can be held responsible for the acts of their children."

The presiding officer recognized Senator Rainie, District No. 15:

"Mr. President, I feel as strongly as any member of the Senate does in regard to delinquent children. I realize also that the parents most of the time are the principal offenders. That is to say, that the children have not been brought up in a suitable manner or in the proper environment. On the other hand, this bill is so broad that a person could be brought to court without knowing that he had done anything wrong at

all. I am not going to speak against the bill, but by this bill perhaps 10% of the parents in Concord might be breaking this law. However, I will not oppose it."

The presiding officer recognized Senator Holmes, District No. 12:

"I sponsored this bill at the request of the Attorney General and have no objections to amendments being offered from the floor."

The presiding officer recognized Senator Packard, District No. 16:

"Mr. President, there are a lot of complications in this bill, I think, and it should be given careful study. I want to bring up a point on just what could happen. I think that, generally speaking, the so-called delinquent child comes regrettably from the poorer family, because usually in this case, the mother and father both have to work and therefore there is a lack of supervision. This situation might easily happen: There are gangs of girls and boys who travel in crowds. Perhaps one child from a family of moderate means might become involved in this gang and if damage is done by the group, then this child from the family of more means than the others may be roped into paying the whole freight. Because as the old saying goes 'you can't get blood out of a stone' and the cost of the damage will then fall back on the family who has the means to pay. If this point is taken care of in this bill, then O.K. But if not, let's look at it further. Perhaps some parents are bringing up their children with the very best intent, but their children may go out and get in with the wrong crowd and do something wrong and then the parents are going to be blamed. I have discussed this matter with several people and they have brought up the matter of some youngster 'borrowing' someone's car and smashing it up. Does this bill mean that every family with children must have some insurance to cover all this? Maybe I am out on a tangent, but I don't believe so."

The presiding officer recognized Senator Cleveland, District No. 7:

"Mr. President, many of the remarks of the Senator from District No. 16 indicates that he has not yet had an opportunity to thoroughly study this bill, nor do I feel that it is neces-

sary to answer at this time point by point the questions that he has raised. Some states hold the parents responsible for the torts or wrongs of the child, but not so in New Hampshire. It limits the amount to \$500. I would, however, move that this bill with the accompanying report be laid upon the table and made a Special Order of Business for tomorrow morning at 11:01 o'clock."

Question on the motion.

On a *viva voce* vote, the affirmative prevailed, and the motion to lay on the table carried.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 41, An Act legalizing proceedings at the November, 1956, election held in the towns of Ashland and Holderness.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Transportation, to whom was referred:

SB 22, An Act relative to the sale of motor vehicles unfit for reconditioning for use upon the highways.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Packard, District No. 16, to explain the bill:

"Mr. President, this bill was sponsored by the Automobile Dealers of New Hampshire in conjunction with the cooperation of the Motor Vehicle Commissioner. Basically, all the bill does is this — if an old automobile is determined to be beyond repair by a garage owner and it is beyond any further use, and he wants to sell it to a junk dealer, upon signed signature of the seller and the buyer, it cannot be used for anything else. In the past, sometimes a 'junkie' has been known to sell cars of this type to some young person or to some unscrupulous dealer even though it was unfit for use. The commissioner was in favor of the passage of this bill. There was no

opposition. It is merely a program to help get the unfit cars off the road."

The presiding officer recognized Senator Paquette, District No. 13:

"Will the passage of this bill stop a person from taking the car down and selling the parts?"

Senator Packard replied, "No."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Transportation, to whom was referred:

HB 76, An Act relative to the registration of motor vehicles of the Civil Air Patrol.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The presiding officer recognized Senator Packard to explain the bill:

"Mr. President, this is a simple bill. It pertains only to the ten or fifteen motor vehicles that are owned and operated and controlled by the Civil Air Patrol. They have previously had to pay the full registration on these vehicles, and as you probably know, the Civil Air Patrol is a voluntary organization with funds contributed. The small amount of funds saved by the passage of this bill could then be used to better advantage. This would apply only to vehicles of authorized personnel and only if used exclusively by the Civil Air Patrol. There was no opposition. The Commissioner of Motor Vehicles had no opposition to this bill."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Bennett, for the Committee on Public Works, to whom was referred:

SB 1, An Act providing for refund of motor road toll for retail dealers.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

The report was accepted.

On motion of Senator Rogers, District No. 6, the amendment to the above entitled bill was ordered printed in today's Journal and the bill with the amendment was referred to the Committee on Finance under the rules.

Amend title to said bill by striking out said title and inserting in place thereof the following: providing for motor vehicle road toll discount.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following: 1. *Motor Vehicle Road Tolls.* Amend RSA 265 by adding after section 10 the following new section 265:10-a. *Road Toll Discount Allowed.* I. *Definition.* The words "Road Toll Discount" as used in this section are defined as an allowable deduction which is computed at the rate of one per cent of the gross motor vehicle road toll assessed.

II. *Road Toll Discount Allowed.* Any person purchasing motor fuel at wholesale prices from a distributor shall be allowed a road toll discount for shrinkage or loss by evaporation. Said road toll discount shall be shown on, and deducted from, the original invoice.

III. *Duty of the Distributor.* For the purpose of determining the amount of road toll discount allowed herein, each distributor shall on or before the last day of each calendar month render a return to the commissioner on forms prescribed and furnished by him. Such return shall show the total amount of road toll assessed and any road toll discounts allowed thereon, together with such other information as the commissioner may require for the reasonable administration hereof.

IV. *Application.* Nothing in this section shall be construed as affecting the provisions of RSA 265:4 relative to levy of toll and exemptions or RSA 265:10 relative to other duties of a distributor.

2. *Takes Effect.* This bill shall take effect July 1, 1957.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.



### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 22, An Act relative to the sale of motor vehicles unfit for reconditioning for use upon the highways.

HB 41, An Act legalizing proceedings at the November, 1956, election held in the towns of Ashland and Holderness.

HB 76, An Act relative to the registration of motor vehicles of the Civil Air Patrol.

On motion of Senator O'Brien, District No. 2, the Senate adjourned.

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WEDNESDAY, FEBRUARY 27, 1957

The Senate met according to adjournment.

#### Introduction of Guests

The President welcomed to the floor of the Senate the wife and guest of Senator Bergeron, District No. 20, Mrs. Catherine E. Bergeron. Also, Messrs. Hartley Smith and Elliott Keach, both of Walpole, who were the guests of Senator Rhodes, District No. 10. Also, as the guest of Senator Bennett, District No. 5, Professor Charles A. Holden of Hanover, former member of the House of Representatives for several sessions.

#### Introduction of Senate Bill

Senator Humphreys, District No. 24, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 74, An Act relative to the date for an annual town meeting.

#### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following

entitled bills and captioned joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 21, An Act relative to overtaking and passing school bus.

HB 59, An Act relative to purchase and distribution of Salk poliomyelitis vaccine by the state.

HB 100, An Act adding "agronomic" plants and seeds to plant and seed certification.

HB 104, An Act relative to the evasion of tolls and charges on use of highways and bridges.

HB 136, An Act relating to the salary of the justice of Haverhill municipal court.

HB 161, An Act relating to fees of sheriffs and deputy sheriffs.

HB 207, An Act relative to the salary of the justice of the Salem municipal court.

HB 224, An Act relative to the Bristol Village Fire Precinct.

HB 228, An Act relative to the salaries of the justice and special justice of Hampton municipal court.

HJR 5, Joint Resolution for special appropriation for vocational rehabilitation.

### **Read and Referred**

The following entitled bills and captioned joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Transportation:

HB 21, An Act relative to overtaking and passing school bus.

To the Joint Committee of Finance and Public Health, Welfare and State Institutions.

HB 59, An Act relative to purchase and distribution of Salk poliomyelitis vaccine by the state.

To the Committee on Agriculture:

HB 100, An Act adding "agronomic" plants and seeds to plant and seed certification.

To the Committee on Ways and Means:

HB 104, An Act relative to the evasion of tolls and charges on use of highways and bridges.

To the Committee on Finance:

HB 136, An Act relating to the salary of the justice of Haverhill municipal court.

HB 161, An Act relating to fees of sheriffs and deputy sheriffs.

HB 207, An Act relative to the salary of the justice of the Salem municipal court.

HB 228, An Act relative to the salaries of the justice and special justice of Hampton municipal court.

HJR 5, Joint Resolution for special appropriation for vocational rehabilitation.

To the Committee on Judiciary:

HB 224, An Act relative to the Bristol Village Fire Precinct.

### Order Vacated

The President recognized Senator Merrill, District No. 23, who moved that the order whereby HB 48, An Act authorizing the interstate compact relating to flood control of the Merrimack River, was referred to the Committee on Finance be vacated, and that the bill be referred to the Joint Committee of Resources, Recreation and Development, and Finance.

On a *viva voce* vote, the affirmative prevailed, and the above entitled bill was referred to the Joint Committee of Resources, Recreation and Development and Finance.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 67, An Act relative to extension of time for making up list of poll taxes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, this is a relatively inconsequential bill and the purpose of this bill is to add the following language to the law that already exists 'unless the time limit is amended by the Tax Commission.' The law now says by June 1. In some

cases, or rather many cases, that is not time enough to get the lists made up, so an extension must be given by the Tax Commission and the Tax Commission does now have that authority. It simply gives the Tax Commission the authority to give this additional time to get the poll tax lists read."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 156, An Act relative to disposal of roadside brush.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator English, District No. 11:

"Mr. President, this bill is a small extension to a bill that has been on the statute for some time which has to do with roadside brush which may become a fire hazard. It refers to 'pushover brush' which means the result of a bulldozer being used in the case of widening a road which merely pushes over the brush and is not the result of the brush having been cut. There are apparently no other changes. The right of way, etc., remains the same."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

HB 30, An Act increasing the salary of the clerk of the Manchester municipal court.

HB 40, An Act legalizing the biennial election, 1956, in the town of Cornish.

HB 42, An Act relative to voting in school district meetings.

HB 51, An Act legalizing the biennial election of November, 1956, in the town of Plymouth.

HB 52, An Act relative to requirements for bank institutions protection against losses.

SB 4, An Act relative to benefits under the Firemen's Retirement System.

HB 138, An Act legalizing the proceedings of the biennial town meeting in the town of Sanbornton.

HB 145, An Act legalizing the biennial election 1956 in the town of Weare.

SB 27, An Act to enable the town of Rindge to establish a trust fund.

HB 5, An Act relative to capital reserve fund established by the Hillsborough School District.

SB 46, An Act relative to ice fishing on Umbagog Lake.

IDA M. HORNER,  
*For the Committee.*

### **Special Order of Business**

The President called for the Special Order of Business this morning at 11:01 o'clock.

It being consideration of SB 60, An Act relative to intentional and unintentional contribution to delinquency.

The question is, Shall the above entitled bill be read a third time?

The President recognized Senator Packard, District No. 16:

"Mr. President, I raised some questions on this yesterday. I have since read the bill very thoroughly and have discussed the bill with the Attorney General and I find that the questions I raised have no basis or grounds as the bill is written. I believe the bill is good legislation and move that it be read a third time."

The President recognized Senator Rainie, District No. 15:

"Mr. President, I rise with some hesitation because I realize the problem of delinquency is something that is in the minds of all of us. I have gone over the bill very carefully and I believe it is bad legislation. I believe that this bill attempts to do something that cannot be done. At the present time, the law which is in existence is contained in the first part of the first paragraph of this bill and under that, any person having custody or control of a child found to be delinquent and do willfully contribute to this delinquency may be subject to a fine of \$500 or one year in prison, or both. The person may then be released on probation. Said case may then be placed on file. That is the law now and I believe that it is adequate to

take care of such cases within the limitation as set by the court; if you will take the time to look down through section 33 to see what the court orders; a person may be found to be guilty of delinquency simply by assumption or guess. Just look down through page 3 and see all that has to be done. If a person is found to be guilty in contributing to delinquency, he may appeal to the superior court and this court would then act in its jurisdiction. The procedure that appears there represents a tremendous amount of personal supervision over the parents. If the parents do not do what the court tells them to do, or if the parents do not do better by their children, again they are subject to the court. Certainly many of these parents could not possibly pay the fine of \$500, mentioned. This is poor legislation. It is an attempt to do something without making proper plans for the carrying out of the intent. It says people are guilty of a crime whether they do it or not. Mr. Smith, the Head of the Probation Department, under which department the enforcement of this law would fall if this bill is passed, came to my office the other day and he told me that the probation in this state is terrible. He stated that his department is swamped, with over 300 cases. All of this extra work would fall on his department. It is foolish to clutter up the books with something that is wholly impossible to carry out. Simply fantastic. While I do not know that the passage of this bill will do any harm, I do feel certain that it will do no good. It just cannot be enforced. I intend to vote against it. I don't think the state is going to be affected very much, and I just believe that this cannot be carried out."

The President recognized Senator Cleveland:

"Mr. President, I feel that the thoughtful remarks of the Senator from District No. 15 merit some reply from the Chairman of the committee who has acted favorably on this bill. I would say at the outset that there is some merit in what the Senator has to say. But when he says 'there cannot be any harm and no good can be accomplished' I question this. It is open to great debate among the authorities as to just what and what not can be laid at the door of the parents. The committee felt that certainly here was something that was worth a try. Delinquency is increasing alarmingly — certainly we realize this when we read and hear of the beating up of police officers, etc. The Senator from District No. 15 is quite right

in saying that this law is not going to be the answer to all the problems, but it is a step in the right direction toward making the parents of the children responsible for the acts of their children. Most people concerned with this bill would like to see this bill passed and see how it works. We already have on our books in Chapter 169 RSA provisions for a fine of \$500 for a person who aids, or abets, juvenile delinquency. Also, if property damage done while he is delinquent, damage can be assessed if it is found that the parents have been delinquent. The other new fact about the law is, it does establish and spell out what supervision the courts may have over the parents."

The President recognized Senator Holmes, District No. 12:

"Mr. President, I introduced this bill in the interest of good government. With your permission, I will read from a letter from the Attorney General: 'A great deal of the content of this bill is already the law in this State as set forth in RSA 169 on neglected and delinquent children. SB 60 is believed to be an improvement on the existing law in the following respects: 1. It spells out authority in the juvenile court to make orders protecting juveniles in circumstances where the court finds that conduct of those responsible for the juveniles requires some control to promote the future welfare of the child. 2. A penalty of a fine not exceeding \$250 or imprisonment not exceeding thirty days is the maximum punishment for wilful violation of the court's orders. 3. It should be noted that the penalty prescribed for contribution to delinquency, namely, a fine of up to \$500 or imprisonment for not more than one year, is already the law in s.23 of c.169. 4. The only other change is to provide authority in the court to compensate injured parties for damage done to persons or property by delinquent children up to an amount of \$500. This measure is in the interests of the improvement of the administration of justice. It is an attempt to spell out the powers of the juvenile courts to intelligently meet increasing problems of juvenile delinquency which in these times are an increasing State and National problem."

There was no opposition at the hearing, and the head of the Probation Department appeared in favor of the bill."

Question being, Shall the bill be ordered to a third reading?

On a *viva voce* vote, the Chair was in doubt.

Senator Karkavelas, District No. 21, requested a division.

Sixteen Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Resolutions

The President recognized Senator Cleveland, District No. 7, who offered the following resolution:

*Resolved*, That the sessions of the Senate for the week during which town meetings occur shall be held on Wednesday, Thursday and Friday, namely, March 13, 14 and 15, 1957.

On a *viva voce* vote, the affirmative prevailed, and the above resolution was adopted.

The President recognized Senator Cleveland, District No. 7, who offered the following resolution:

*Resolved*, That the Ways and Means Committee be and is hereby instructed and ordered to report HB 24, An Act providing for the assessment and collection of a special head tax for state purposes, with or without recommendations to the Senate on or before 11:00 A. M., Thursday, March 7, 1957.

Question being on the adoption of the above resolution.

The President recognized Senator Adams, District No. 22:

"Mr. President, inasmuch as this is the first I have heard of this resolution except by rumor and through the press, I have heard nothing official from anybody up to this time, may I request a five minute recess?"

The above request was granted by the Chair.

(Recess)

The Senate re-assembled.

The President recognized Senator Adams, who offered the following amendment to the resolution:

Amend the above resolution by striking out the words and figures "Thursday, March 7" and inserting in place thereof the words and figures, Thursday, March 21.



The President recognized Senator Adams, District No. 22:

"Mr. President, my purpose in offering this amendment to the resolution is this: As a member of the Ways and Means Committee, I voted to lay this bill on the table in committee for a reason and I think three other members of the committee who voted with me certainly had equal legitimate reasons. I wish to look over the whole budget figures more thoroughly than I am able to do at this time, before voting on a measure as important as this head tax measure. Nobody to date has come up with any good reason as to why we must hurry this measure through the Legislature. The levy will not be made until October 1 or November 1, and I believe that a delay of a few weeks will have no effect on this. The administration will shortly have before the House of Representatives a supplemental budget request which, to say the least, is debatable. An increase in the tobacco tax in the past has met with trouble before and we have reason to expect it will again. The University of New Hampshire is in dire need of assistance and I am given to understand that at this point much depends on whether or not the Governor's supplemental budget is passed or not. There is a lot of water to go under the bridge before this budget will be clear. It looks to me as though this resolution, if adopted as written, would lead me to believe that the administration believes this Senate to be a rubber stamp and I believe the members of this Senate do not wish to be considered as a rubber stamp. I believe we all have the right to look into any measure, certainly one as important as this is. I have offered this amendment because I do not agree with the action of the administration in wishing to hurry this legislation out of committee by this means, but I will go along with the resolution if two more weeks' time can be allowed to consider this important matter."

The President recognized Senator Cleveland, District No. 7:

"Mr. President, I would oppose the amendment to the resolution for the following reasons: There was some discussion when this resolution was drafted whether we would request the Ways and Means Committee to bring this bill out sooner rather than wait. After some discussion with the Chairman of the committee, instead of tomorrow, we have changed it to read Thursday of next week. This will allow four

more days. The Chairman of the committee and myself feel that this is ample time. Now, the Senator from District No. 22 in offering this amendment is allowing a full two weeks more for consideration. By the reasons that the Senator from District No. 22 gave for the delay, it would seem that he could get up here on March 21 and give the same reasons for delaying it to May or June. The fact of the matter is that it is an administration measure, it has passed the House, and this is a bill that the administration feels is important to their fiscal program. If anybody does object to a head tax, there is time enough within the next four days to get their thoughts together, etc. I believe that we should not delay. There are certain taxes which we know that the State has to have. This will not get any bigger or smaller within the next two weeks. The time will be ample for discussion, amendment might be necessary to decrease the amount of the tax or to increase it. I would however, take exception to some of the remarks of the Senator from District No. 22, relative to the Senate being considered as a rubber stamp. I have served in three previous sessions and most of the Senators have served previously. This head tax has been in effect about five years. There has been no great public outcry against it. Some phases are unfair, but we have lived with this for the past five years. It is not fair to the Senate Finance Committee to hold this up. I definitely oppose the amendment to the resolution offered by the Senator from District No. 22."

The President recognized Senator Rainie, District No. 15:

"Mr. President, just a word against the allegation that the Senators are rubber stamps. All this resolution does is to bring this matter before the Senate. It appears that it is going to be tied up indefinitely in committee. The main purpose of bills being referred to committee is in order that they may be studied and discussed thoroughly and carefully and then brought out of committee with a report to the Senate body. This bill came into the Senate on February 6 and was turned over to the Committee on Ways and Means a few days later. We have had an extended discussion on this bill and we know that there will be a very long delay. This morning, I tried to get some action in getting this bill out of the committee and found that we were not going to be able to report it out. The only thing to do is to return the bill to the Senate for action.

I believe that the Governor of the State of New Hampshire has presented a very reasonable and practical budget for the biennium. I believe that we should bring this bill to the floor of the Senate in accordance with the resolution offered. I am in favor of the adoption of the resolution and against the amendment."

The President recognized Senator DeLude, District No. 8:

"Mr. President, I speak in opposition to the amendment to the resolution offered by Senator Adams. As a member of the Ways and Means Committee, I voted with the minority of the committee. I have no objection to a reasonable delay in bringing this bill to the floor of the Senate. I am very much opposed to the amendment of Senator Adams. Town meeting comes the second week of March and at that time my towns have to vote on certain things which cannot be changed after that vote is taken. It is only fair to the towns that I represent that Senate action should be taken on this bill before town meeting."

The President recognized Senator Packard, District No. 16:

"Mr. President, I think possibly some of the remarks of the Senator from District No. 15 might be directed at me. I fully realize that the Senator from District No. 7 is doing his complete duty as majority leader in presenting this resolution. I would like to definitely state my reasons for being in favor of the amendment and the reasons I am in favor of the extension. I am on record publicly as stating that the Governor's budget is operating as deficiency financing. My point in holding this bill in committee is only to find out just what new revenue measures might be passed. There is a possibility that there might have to be an increase in the head tax or maybe a decrease in it. I am in favor of holding this bill in committee until we have some of the answers to the revenue question. I do question the statement made that the public has no interest in this bill. I would say that I received between forty and fifty telephone calls on this bill, all with the highest praise for the stand I had taken on this bill, and not one call with adverse criticism. In closing, I might say that during the two previous sessions I have served in this Senate, this is the first time I have seen such action taken."

The President recognized Senator Rainie, District No. 15:

“Mr. President, I am against the amendment and in favor of the passage of the resolution.”

The President recognized Senator English, District No. 11:

“Mr. President, the issue at this moment is not whether we favor a head tax. The question is whether a committee has the right to hold a bill back and not give the Senate a chance to vote on it. I am in favor of having this brought before the Senate.”

Question being on the adoption of the amendment to the resolution, offered by the Senator from District No. 22.

On this question, Senator Rainie, District No. 15, demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lamontagne, O'Brien, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Senators Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, and Merrill.

Eleven Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the amendment to the resolution was not adopted.

Question being on the adoption of the resolution.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative prevailed, and the resolution was adopted.

The President recognized Senator Adams, for an inquiry:

“Mr. President, in effect, does this resolution discharge the committee?”

The President stated that he would rule that this resolution did not discharge the committee. He further stated that this simply calls upon the committee to report either with or without recommendation on or before March 7.

The President recognized Senator Adams, for a further inquiry:

“Mr. President, does the Chair rule that this is not to be considered as a discharge of the committee?”

The Chair replied: “That is correct. The Chair rules that this is not to be considered as a discharge of the committee.”

The President recognized Senator Caron, District No. 17, who moved that the rules of the Senate be so far suspended as to permit all business in order for this afternoon at 2:00 o'clock be made in order at the present time.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

HB 156, An Act relative to disposal of roadside brush.

SB 67, An Act relative to extension of time for making up list of poll taxes.

SB 60, An Act relative to intentional and unintentional contribution to delinquency.

Senator Humphreys, District No. 24, requested that he be recorded as having voted against both third reading and passage of the above entitled bill.

On motion of Senator Provost, District No. 18, the Senate adjourned.

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THURSDAY, FEBRUARY 28, 1957

The Senate met according to adjournment.

#### Introduction of Guests

The President welcomed to the Senate the following visitors: Mrs. Clarence Derby and son Charles, who were the guests of Senator English, District No. 11. Honorable Harold O. Pierce of Walpole, former member of the House and Senate, who was the guest of Senator Rhodes, District No. 10. Miss Mary Koromilos, Chairman of Strafford County Young Republicans, who was the guest of Senator Karkavelas, Dis-

trict No. 21. Mrs. Guy Swenson and Mrs. Robert Reno who were the guests of Senator Cleveland, District No. 7.

### Committee Reports

Senator Merrill, for the Joint Committee on Education and Finance, to whom was referred HB 222, An Act for additional appropriation for dormitory for women at the University.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

“Mr. President, HB 222 increases bond issue for a dormitory for women from the appropriation last session of \$312,500 to \$437,000. The increase was needed because costs of construction increased before bids were obtainable. The cost will be paid through fees. A majority of both the Finance and Education Committees were present at the hearing and there was no opposition to the bill.”

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 31, An Act relative to re-examination of holders of licenses to operate motor vehicles.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

“Mr. President, at the last session of the Legislature, provisions were made with reference to re-examination of persons, that is, licensed holders, who had become disqualified as far as their ability to drive was concerned, perhaps through failing eyesight, age, etc. Under that law, it was necessary for them to obtain a doctor's certificate in order for a license to be issued to them. This bill does away with this requirement. The commissioner told the committee that during the past year more than 200 persons were examined and of that number, 70 odd voluntarily surrendered their licenses. Two

persons were compelled to give up their licenses because their condition was so bad. The remainder of the 200 persons examined, other than the 70 odd and the 2 referred to, were given a clean bill of health. This bill provides that for cause the commissioner may require a license holder to submit to re-examination. This is necessary in order to keep our highways a little safer."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 131, An Act relating to the reporting of joint bank deposits for legacy and succession tax purposes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this is a bill which clears up the situation with reference to joint bank deposits. At the present time, a savings bank must immediately notify the State Treasurer or/and the executive officer in charge of inheritance tax. One thing this bill does is to strike out any reference to the State Treasurer and refers it to the Inheritance Tax division, which has immediate access to the matter at the present time. The bill does not require the savings banks to report at all if the survivor is exempt under the present tax bill. Under the present law, this is necessary. In case of relative, other than mother, father, daughter, son, the bank may postpone or may not report to the Inheritance Tax Department as the taxable joint survivor, provided that the bank retains in its possession enough money to take care of the tax. That puts the burden on the bank to take care of the payment of this tax. It may pay to the survivor any balance remaining. This bill simplifies and makes legal a procedure that is already in use at the present time."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 33, An Act relating to motor vehicle violations.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this is a very controversial matter. This amendment has been arrived at after consultation with a great many people. I would move that this bill with the accompanying report be laid upon the table, amendment printed in today's Journal, and consideration of same be made a Special Order of Business for next Tuesday morning, March 5, at 11:01 o'clock."

Amend said bill by striking out all after the enacting clause and substituting in place thereof the following: 1. *Motor Vehicle Violations*. Amend RSA 262:19 (supp) as amended by 1955, 282:1 by striking out the words "two years" in the eighth line and inserting in place thereof, one year, and further to strike out all following the words "two years" and substituting in place thereof the following: Upon a second or subsequent conviction within five years of the prior conviction, as shown by the records of the Motor Vehicle Department, the Commissioner of Motor Vehicles shall revoke the license of the person thus convicted. Upon a second conviction he shall be ineligible for a license for the next three calendar years. Upon a third conviction he shall be ineligible for a license for the next ten calendar years and for such further period as the Commissioner of Motor Vehicles shall deem necessary for the protection of the public, so that said section as amended shall read as follows:

262:19. *Intoxication*. Any person who shall be convicted of operating, or attempting to operate, a motor vehicle upon any way while under the influence of intoxicating liquor or any narcotic or habit-producing drug, shall be imprisoned for not more than six months or shall be fined not more than five hundred dollars, or both; his license shall be revoked for a period of sixty days and at the discretion of the court for a period not to exceed one year. Upon a second or subsequent conviction within five years of the prior conviction, as shown by the records of the Motor Vehicle Department, the Commissioner of Motor Vehicles shall revoke the license of the person thus convicted. Upon a second conviction he shall be ineligible



for a license for the next three calendar years. Upon a third conviction he shall be ineligible for a license for the next ten calendar years and for such further period as the Commissioner of Motor Vehicles shall deem necessary for the protection of the public.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator Bergeron, for the Committee on Fisheries and Game, to whom were referred:

SB 35, An Act establishing a special fund for towns and cities for deer killed therein.

SB 36, An Act establishing a special fund for payments to persons killed or injured from accidental shooting.

Having considered the same, reported the same with the following resolution:

*Resolved*, That they are inexpedient to legislate.

The reports were accepted.

The President recognized Senator Rhodes, District No. 10:

"Mr. President, I would say that the intents and purposes of these two bills were good. It was an attempt to do something about the negligent hunter to protect the property owner and all interested persons. No one appeared in favor of the bills except the sponsor. But there was a great deal of opposition. The committee felt that the passage of these two bills would involve a great deal of work for the Fish and Game Commission and also to officials of towns. The committee felt after study that the two bills were not workable."

Senator Rhodes further stated that this special fund mentioned in SB 35 would be set up with funds obtained from a 25¢ fee on all licenses issued which would be turned over to the Fish and Game for this purpose. It was estimated that this would bring in about \$5,000 a year. He further stated that there had been some question as to the constitutionality of this measure, also.

Permission was granted Senator Cleveland by the Chair to question Senator Rhodes:

“Does the Fish and Game Department take the position of any responsibility?”

Senator Rhodes replied in the negative.

The President recognized Senator Bennett, District No. 5:

“Mr. President, I desire to make a few remarks regarding both of these bills as I sponsored them. At the committee hearing yesterday, I told my colleagues on the committee that I had no desire to submit a minority report regarding these bills. I believe that the committee members acted in good conscience and in good faith. Apparently, they felt that these bills were unworkable. Perhaps that is so. But I do think that something has to be done and done soon to arrive at a solution of the problem of innocent people being shot at, or killed, and their property damaged by trigger-happy hunters. And believe me, when the hunting season opens in my district it is like a second Bull Run. Nobody is safe — children aren't safe, people aren't safe, and neither is anybody's property. The State is inviting hunters to come here to hunt and even telling them where to hunt and the State should be in some measure responsible for the damage they do. They run over people's property, causing destruction. As a result much property has been posted and I don't blame them for posting it. I believe that in this case, the State is an accessory. When the State allows a hunter to run riot out in the field with a lethal weapon in his possession and then does not require him to show any financial responsibility whatsoever, I think the State should be held somewhat responsible for his acts. I believe some of the opposition to these bills stemmed from what I would call the insurance interests. They don't want to see these bills passed because they fear that it will infringe on their rights in case of an accident. There was also opposition voiced at the hearing from representatives of sportmen's clubs.

“One of these groups, is the Federated Sportsmen and when their lobbyists appear at hearings they always preface their remarks with the information that they, individually, represent 67 affiliated clubs and some 16,000 sportsmen. Mr. President, I submit to you that this is pure bunk. In this particular case, last night, I called up an important member of this organization. He had never heard of any action being taken against these bills. In fact, he had never heard of the bills.

“Now, Mr. President, these people who claim to represent

the interests of all the sportsmen tell us that these bills are bad bills because they would add an unfair burden on the Fish and Game Department. I say that it is the duty of the Department to assume any burdens necessary to implement this legislation.

"Another of the sporting clubs is obsessed with the notion that higher fines and compulsory jail sentences is the cure-all to this problem. That is locking the door after the horse has been stolen. Even with the \$500 fine we now have, higher courts are reversing strong decisions of local courts on appeal cases.

"Even with all the safety programs in the world there will be these accidents. With the increasing number of hunters these may even increase.

"I wish to cite one example of the situation as it now exists. This autumn a man went into a sporting goods store in Boston, bought a hunting license, then bought a gun, and came to New Hampshire to hunt. He came up to Dorchester, New Hampshire, to do some hunting. He shot a man in the back. A man cutting Christmas trees on his own land. That man died. His family is of humble means. And yet we are told there is no responsibility involved. The insurance people and organized hunters groups say, 'that is too bad.' I don't know whether these two bills are a solution or not, but I do believe that they are a step in the right direction, to see if something can't be done to protect our people. This problem is going to get worse, rather than better, as there are more people coming here to hunt than ever before. I thank the Senators for their indulgence and courtesy in listening to my remarks."

The President recognized Senator Karkavelas, District No. 21:

"The Senator from the 5th District has great merit in his argument and I believe his explanation states the case clearly. I am in support of what the Senator from District No. 5 says."

The President recognized Senator Cleveland, District No. 7:

"Mr. President, I wish to speak in support of the Senator from District No. 5's remarks. I have two or three people in my District who have written me concerning this matter. I was unable to attend the committee hearing yesterday. I would like to have some time over this week end to study the bills further and perhaps amendments can be offered to cure

some problems of this legislation. This is a problem and something has to be done about it. I am disturbed by the attitude of the Fish and Game Commission in this State. I would therefore, move that these bills with the accompanying committee reports be laid upon the table, and made a Special Order of Business for Wednesday, March 6, at 11:01 o'clock."

The President stated that this question is debatable.

The President recognized Senator Daniel, District No. 19:

"I wish to speak in support of Senator Bennett's remarks. I believe they have a lot of merit. I am also in favor of the motion of Senator Cleveland."

The President recognized Senator Rhodes, District No. 10:

"I am heartily in agreement with the remarks of the Senator from District No. 5, and I have no objection to the motion that consideration of these two bills be made a Special Order. However, I do believe that after reading the bills thoroughly, the members of the Senate will agree that the bills are not workable."

Question being on the motion of Senator Cleveland for a Special Order.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 69, An Act relative to distribution of supreme court reports.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

The report was accepted.

Amend section 1 of said bill by striking out the word "shall" in line 15 and inserting in place thereof the word, may. Further amend said section by striking out the word "specifications" in line 16 and inserting in place thereof the word, regulations. Further amend said section by striking out the word "shall" in line 17 and inserting in place thereof the word, may, so that said section shall read as follows:

1. Amend RSA 505:11 by striking out said section and inserting in place thereof the following: 505:11. *Distribu-*

*tion of Court Reports.* He shall deliver to the secretary of state four hundred copies of each volume of said reports upon publication, and the secretary shall send one copy thereof to each of the following officers and bodies: Justices and clerks of the supreme and superior courts, to the office of register of probate in each county, state reporter, each free public library established under the laws of the state meeting the regulations of the state library commission, the department of justice, clerk of the supreme court of the U. S., library of congress at Washington, the judge and clerk of the district court of the U. S. for the district of New Hampshire, and the state library of each state of the United States with which the New Hampshire state library maintains an exchange agreement covering court reports. The residue may be drawn upon by the state library for its own use or for additional exchange agreements. The state library may recover all sets and/or partial sets of court reports located within those towns which do not meet the regulations of the state library commission. It may establish full sets in public libraries open daily agreeing to make them available to all the people in the geographic area. The reclaimed sets shall be placed in the stock held by the secretary of state.

The President recognized Senator Cleveland, District No. 7:

“Mr. President, I see no useful purpose in having the Clerk read the amendments which are relatively simple and which I will now explain as well as the bill. This bill will be of special interest to those of you who have friends who are vitally interested in towns which have small libraries. This bill gives authority to the State Library and to the Secretary of State to dispose of supreme court reports. These are published about every two years. Many of the small libraries have been receiving these. Some have complete sets. Many of the small libraries do not want them. They are almost never used and take up space. The Senate Judiciary Committee felt that if we told some of these small libraries we were going to take them back they might not like it. However, if the libraries really want the copies, they may keep them. All this amendment really does is strike out the words ‘shall’ and insert the word, may.”

Question being on the adoption of the amendment offered by the Committee on Judiciary to the above entitled bill.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

HB 41, An Act legalizing proceedings at the November, 1956, election held in the towns of Ashland and Holderness.

HB 76, An Act relative to the registration of motor vehicles of the Civil Air Patrol.

HB 156, An Act relating to disposal of roadside brush.

NELLE L. HOLMES,  
*For the Committee.*

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

HB 31, An Act relative to re-examination of holders of licenses to operate motor vehicles.

HB 131, An Act relating to the reporting of joint bank deposits for legacy and succession tax purposes.

HB 222, An Act for additional appropriation for dormitory for women at the University.

SB 69, An Act relative to distribution of supreme court reports.

The President recognized Senator Packard, District No. 16:

"Mr. President, a point of inquiry. Why were HB 31 and HB 33 sent to the Committee on Ways and Means rather than to the Committee on Transportation inasmuch as they are both strictly transportation bills?"

The President recognized Senator Cleveland, who stated that he had wondered why perhaps those bills had not been referred to the Committee on Judiciary inasmuch as last session the same bill as HB 33 had been referred to that committee.

The President announced that the reference of bills to committee is strictly up to the decision of the presiding officer.

On motion of Senator Daniel, District No. 19, the Senate adjourned to meet next Tuesday morning at 11:00 o'clock.

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TUESDAY, MARCH 5, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed the following guests to the Senate: Mrs. Walter Sheppard of Nashua and Mrs. Harold A. Giffin of Lowell, Mass., who were the guests of Senator Holmes, District No. 12. Mrs. David Hammond of Bradford and Mrs. George Wells of Sutton, who were the guests of Senator Anderson, District No. 9. Mrs. Gladys Stockley of Penacook, Mrs. Lucie N. Weston of Concord, and former Senator of District No. 15, Mrs. Sara E. Otis of Concord, who were the guests of Senator Horner, District No. 3. Former Senator from the 21st District, Attorney Charles F. Hartnett of Dover, who was the guest of Senator Karkavelas, District No. 21. Also, the Republican ladies of Merrimack County who were visiting the Legislature as a part of the "Legislative Day" program being sponsored by the Women's Division of the Republican Party, Mrs. Norma M. S. Currier, State Chairman.

### **Introduction of Senate Bills**

Senator Adams, District No. 22, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Resources, Recreation and Development:

SB 75, An Act naming Bear Brook State Park the Floyd Cole State Park.

Senator Lamontagne, District No. 1, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Fisheries and Game:

SB 76, An Act relative to taking pickerel through the ice from Umbagog lake.

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill.

On motion of Senator Cleveland, District No. 7, the President declared a two minute recess.

(Recess)

The Senate re-assembled, with Senator Cleveland in the Chair.

Senator Cleveland introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary.

SB 77, An Act providing for interest from date of writ added to damages awarded in certain civil actions.

Senator Holmes, District No. 12, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 78, An Act relative to salaries of court stenographers.

Senator Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 79, An Act relative to employment of an extra court stenographer.

Senator Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

SB 80, An Act relating to the expiration of void mortgages.



Senators Bennett, District No. 5, and Cleveland, District No. 7, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

SB 81, An Act relative to salaries of city officials and employees.

(The President presiding)

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and captioned joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 147, An Act extending the period of application for copies of the Revised Statutes Annotated by members of the nineteen fifty-five session of the general court.

HB 159, An Act to authorize the issuance of call bonds by municipalities.

HB 166, An Act relative to the state emblem.

HB 190, An Act increasing the jurisdiction of municipal courts in small claims.

HB 210, An Act relative to chattel mortgages and conditional sales contracts.

HJR 7, Joint Resolution in favor of John T. Keane.

HJR 8, Joint Resolution in favor of Theodore F. Von Hagen.

HJR 12, Joint Resolution relating to the town of Gilsum.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 5, An Act correcting an error in a reference in the provisions relative to the state library commission.

SB 16, An Act relative to certain refunds of municipal permit fees.

### Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Ways and Means:

HB 147, An Act extending the period of application for copies of the Revised Statutes Annotated by members of the nineteen fifty-five session of the general court.

To the Committee on Banks and Insurance:

HB 159, An Act to authorize the issuance of call bonds by municipalities.

To the Committee on Military and Veterans' Affairs:

HB 166, An Act relative to the state emblem.

To the Committee on Judiciary:

HB 190, An Act increasing the jurisdiction of municipal courts in small claims.

HB 210, An Act relative to chattel mortgages and conditional sales contracts.

To the Committee on Claims:

HJR 7, Joint Resolution in favor of John T. Keane.

HJR 8, Joint Resolution in favor of Theodore F. Von Hagen.

HJR 12, Joint Resolution relating to the town of Gilsum.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 55, An Act relative to executions in small claims cases.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, this bill provides that when somebody files a request in the small claims court for an execution, they have to pay a filing fee of \$3.00. After the Sheriff serves the writ, he may find out that the debtor has no assets on which to levy his charge. The committee felt that if this filing fee of \$3.00 is required, the creditors will be a little less eager in having the Sheriff running all over the County looking for someone who is not there or who has no money with which to pay the debt."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 56, An Act relative to liability of relatives to contribute to support of poor persons.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, SB 56 accomplishes the following: Under the present law, a person can be held financially responsible for the support of a relative. A child can be held responsible for supporting the parents, if the means of the child permits. There are other relationships that apply. This law gives a child who is supporting a parent or relative an opportunity to bring an action against other relatives who are not supporting them, but whom he feels should be helping to support these parents or relatives. For example, I might be contributing to the support of my parents, whereas my brother, who might be far better off financially than I am, might not be contributing to their support. Under this law, he could be compelled to do so."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Lamontagne, District No. 1, requested that the record show that he had voted against the passage of this bill.

Senator Caron, District No. 17, requested that the record show that she had voted against the passage of this bill.

Senator Daniel, District No. 19, requested that the record show that he had voted in favor of the passage of this bill as he believed it had a lot of merit.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 222, An Act for additional appropriation for dormitory for women at the University.

HB 131, An Act relating to the reporting of joint bank deposits for legacy and succession tax purposes.

SB 5, An Act correcting an error in a reference in the provisions relative to the state library commission.

SB 16, An Act relative to certain refunds of municipal permit fees.

PAUL H. DANIEL,  
*For the Committee.*

### **Special Order of Business**

Senator Rainie, District No. 15, called for the Special Order of Business, it now being 11:01 o'clock.

Consideration of HB 33, An Act relating to motor vehicle violation, with accompanying report.

The President recognized Senator Rainie:

"Mr. President, if the Senators will turn to Page 194 in the Journal, the full text of this bill appears there. This bill came in from the House with two modifications of the bill which was passed in 1955. Previous to 1955, for a first offense of drunken driving, the licensee's license was revoked for one year without any qualification. In 1955, the Legislature changed that so that there was a minimum period of suspension of sixty days and a maximum of two years. I believe that the two years were put in to more or less strengthen the reduction in the limitation of suspension and do not amount to much. When HB 33 came into the Senate it changed the minimum period for suspension of license from sixty days to six months. When this was heard by the Ways and Means Committee, there was little support and a great deal of opposition. I was in favor of the bill as it came from the House, but the majority of the committee felt otherwise. As far as the support of HB 33 was concerned, the Commissioner of Motor Vehicles had the most to say. He was in favor of the bill, but he qualified his position by talking more about improving the situation relative to second offenders. The strong opposition in the House and in the committee in the Senate has resulted in the modifications. This is acceptable to almost everyone; to the commissioner and to the committee members. Since it looks very unlikely that the bill setting a suspension of a minimum of six months, would pass the Senate and there was a general feeling that later convictions should be defined and more effective, we got together on a compromise. We changed the six

months minimum suspension to sixty days as is the law now. The reason was there is no doubt that specifically in Hillsborough County, and in Strafford County and perhaps in some others, there have been more convictions under the sixty days suspension than there was under the one year. In the case of one year, it became almost impossible in Hillsborough County to convict a man. What we have now tried to do is strengthen the penalty for the second offense. Upon a second offense within five years, as shown by the record of the Motor Vehicle Department, the Commissioner may revoke the person's license. For a third offense, it may be revoked for three years and for a fourth offense, for ten years. There might be a situation that might be so serious that the person may not ever be allowed a license again. This makes it the same for a first conviction, but makes it possible to keep a tighter rein on second and other offenses. It now has to go to the House for concurrence in this amendment. The various members of the House that I have talked with are in agreement with this amendment. It is done in an amicable manner and with everybody trying to cooperate to bring about what we hope will help this problem. The Commissioner of Motor Vehicles is particularly well pleased and he feels that this will effect some worthwhile results."

Senator English, District No. 11, questioned Senator Rainie as to what effect this would have on a person from out of State.

Senator Rainie replied that New Hampshire can't do anything about that, but can only refer the matter to the state where the guilty person has a license.

The President recognized Senator Cleveland who questioned Senator Rainie as follows:

"Am I correct that under your Committee's proposed amendment a person can be charged with driving while under the influence of liquor and that the complaint that is filed in superior court will simply say that he was driving under the influence. Then, if he is found guilty and it is found that this was the second offense, the more serious penalty will be invoked, having had a prior conviction?"

Senator Rainie replied in the affirmative.

Senator Cleveland spoke as follows:

"I wish to speak in opposition to that part of this amend-

ment which apparently accomplishes what I was afraid it would. In other words, we are being asked to enact a law under which a person can be found guilty without the whole crime being fully described to him. What the Senate is being asked to do is to make an exception to this basic constitutional right. There are two separate and different crimes that we are talking about here. First, conviction for drunken driving for the first time; and second; conviction for drunken driving for the second time. The penalties are drastically different. In this day and age, the penalty for not being able to drive for two or two and half years to some people might mean that they would not even be able to work or to get to work. The constitutional privilege is that nobody can be charged with a crime unless the whole crime is plainly set forth in the complaint. This bill lets the State Police or the Commissioner of Motor Vehicles do things the easy way. Later on, upon examination of the records at the Motor Vehicle Department office, it may show up that the person has been guilty of a previous conviction. This is just a matter of laziness on the part of that department. I want no part of it. If the Commissioner of Motor Vehicles feels so strongly before drawing up the warrant, he should find out if it is the first or second offense. It is no hardship to look at the record before the complaint is drawn. It is just as easy to do it before as it is after the complaint is made. I hope that I have made myself clear. I do not believe that the problem is that great because if the Commissioner of Motor Vehicles thinks that it might be a second conviction, all that has to be done is find that out before the man goes into court."

The President recognized Senator Lamontagne, District No. 1:

"I hope the Senate opposes this amendment."

The President recognized Senator Rainie, District No. 15:

"Mr. President, I think the Senator from District No. 7 is confusing the issue. The offense is the same in each case. The penalty is the same in each case. But the State, which has given this man the privilege of driving upon the highways of the State decides that because he has been convicted twice, he can no longer drive upon the highway. It may be a form of benefit for the licensee. I am in disagreement with the Senator from the 7th District, and I feel

that he is entirely wrong. As far as any laziness is concerned, that is a gross exaggeration, too. In small towns these matters may be handled in a like way. Perhaps they don't bother whether it is a first or second offense. They may not have the facilities. The committee has given this considerable thought and has received advice from many people."

The President recognized Senator Lamontagne, District No. 1:

"I believe that there have been quite a few points brought out here this morning and I would like to check some of them and find out the truth about these remarks. I would therefore move that HB 33 with the accompanying report be laid upon the table and made a Special Order of Business for Thursday morning, March 7, at 11:01 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 56, An Act relative to liability of relatives to contribute to support of poor persons.

HB 55, An Act relative to executions in small claims cases.

On motion of Senator Bergeron, the Senate adjourned.

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WEDNESDAY, MARCH 6, 1957

The Senate met according to adjournment.

#### Leave of Absence

Senator Holmes, District No. 12, requested leave of absence for the balance of the week, due to a death in the family. This request was granted by the President.

### Introduction of Guests

The President welcomed to the Senate, Dr. Mary M. Atchison, acting State Health officer, who was the guest of the Senate. Also, former member of the House from New London, Seth Lamson, who was the guest of Senator Cleveland, District No. 7.

### Resolution

On motion of Senator Humphreys, District No. 24, the following resolution was adopted:

*Whereas*, we have learned with sorrow of the sudden death of the father of Senator Nelle L. Holmes of District No. 12, therefore, be it

*Resolved*, That we, the members of the Senate, wish to extend our heartfelt sympathy to Senator Holmes and the members of her family; be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to the family.

### Introduction of Senate Bills

Senator Paquette, District No. 13, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 82, An Act relative to salaries of the justice and special justice of the Nashua municipal court.

Senator Humphreys, District No. 24, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

SB 83, An Act to authorize the school district of Stratham to exceed its limit of bonded indebtedness.

Senator Karkavelas, District No. 21, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Banks and Insurance:

SB 84, An Act relating to control of cemeteries in the town of Rollinsford.

Senator Adams, District No. 22, introduced the following



entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Labor:

SB 85, An Act providing for the classification of Beaver Brook watershed.

SB 86, An Act relating to the construction and financing of a sewerage system and sewage disposal plant for the town of Derry.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 87, An Act relative to borrowing by village districts for current expenses and maintenance.

HB 110, An Act relative to so-called bobhouses for ice fishing.

HB 114, An Act relative to the sale of drugs.

HB 209, An Act relative to the clerk's fee for issuing certificate of conformity to requirements of marriage intentions notice.

HB 214, An Act relative to the powers of village precinct of Hanover to install parking meters and to incur indebtedness for off-street parking facilities.

HB 241, An Act relating to wilful concealment of merchandise in stores.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 20, An Act relating to salaries of certain officials of the city of Nashua.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 29, An Act amending section 1, chapter 126 of the Laws of 1878 incorporating the Conference of Baptist Ministers in New Hampshire, by changing its name and altering its purposes.

Amend section 2 of the bill by adding at the end thereof the words, serving churches in affiliation with the United Baptist Convention of New Hampshire, so that said section as amended shall read as follows: 2. *Purposes Altered.* The purposes of said corporation shall be (a) to promote the fellowship of Baptist ministers in New Hampshire and their improvement and increased efficiency in the ministry by research, ministers' retreats, educational programs and otherwise, (b) to assist in the relief of the needs of Baptist ministers in New Hampshire and of their families, and (c) to determine and record the standing and record of all known Baptist ministers in New Hampshire serving churches in affiliation with the United Baptist Convention of New Hampshire.

On motion of Senator Rainie, District No. 15, the Senate voted to concur in the adoption of the amendment to the above entitled bill sent up from the House of Representatives.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Banks and Insurance:

HB 87, An Act relative to borrowing by village districts for current expenses and maintenance.

To the Committee on Fisheries and Game:

HB 110, An Act relative to so-called bobhouses for ice fishing.

To the Committee on Public Health, Welfare and State Institutions:

HB 114, An Act relative to the sale of drugs.

To the Committee on Ways and Means:

HB 209, An Act relative to the clerk's fee for issuing certificate of conformity to requirements of marriage intentions notice.

HB 214, An Act relative to the powers of village precinct of Hanover to install parking meters and to incur indebtedness for off-street parking facilities.

HB 241, An Act relating to wilful concealment of merchandise in stores.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 71, An Act relative to emergency use of party line telephones.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

“Mr. President, there is already a law on the books that makes it a misdemeanor not to yield a party line telephone in case of emergency. All this bill does is to include in such emergency the use of a party line telephone for Civil Defense purposes.”

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 94, An Act relating to water companies, when not public utilities.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

“Mr. President, the present law is that if only ten people are using water from a common source, they are not a public utility and are not regulated by the Public Utilities Commission. This changes it from ten to thirty. Apparently, there are some wells in the state that are serving more than ten but less than thirty. That is all this bill does.”

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 224, An Act relative to the Bristol Village Fire Precinct.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, this is permissive legislation that enables the town of Bristol to do away with a village fire precinct provided the precinct and the village vote on a referendum to do that."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 160, An Act relative to reimbursement of municipalities for forest fire expense.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

"Mr. President, this is a good bookkeeping bill, more or less. At the present time, the towns, if they incur any sort of forest fire expense, are required to make out bills to be certified to by the fire warden. But there is no time limit. This bill sets the limit at 60 days, which is a reasonable time, to be written into the law, so that the fire wardens must turn over their reports within that time, in order that the local fire fighters may get their pay. There was no opposition at the hearing."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

SB 49, An Act relative to the industrial park authority.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by adding at the end thereof the words, and the provisions of RSA 228:4 and 5 shall not apply to projects constructed by the authority, so that said section as amended shall read as follows: 2. *Limitation.* Amend RSA 162-A (supp) as inserted by 1955, 254 by inserting after section 12 the following new section: 162-A: 12-a. *Projects.* Notwithstanding any other provisions of law, the public works and highways department shall have no jurisdiction over, nor shall its approval of contracts be required for, projects constructed by the authority and the provisions of RSA 228:4 and 5 shall not apply to projects constructed by the authority.

The report was accepted.

Question being on the adoption of the amendment offered by the committee.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this amendment is surely unintelligible to me, and may be of some interest to other members of the Senate. I move that this bill with the accompanying report be laid upon the table and made a Special Order of Business for next Wednesday morning, March 13, at 11:01 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator Provost, for the Committee on Liquor Laws, to whom was referred:

SB 62, An Act relating to the issuance of licenses for the sale of liquor in restaurants.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Karkavelas, District No. 21:

"Mr. President, this bill, after an extensive hearing, was brought into executive session, and by a vote of three to two it came out with a majority report of ought to pass. I want to say that since I have been in the Legislature no better bill has been introduced in behalf of the restaurants. This law says that they may request license to be issued. After this, the Liquor Commission can go in and audit the restaurant's books and if at any time the gross receipts show less than 60% as

coming from food, they can take the license away. No restaurant in a town that is dry can have a license. The Liquor Commission has nothing to say about the passage of this bill. If the bill is passed, they will enforce the law, as it has done in the past. The Liquor Commission is a very able commission and I believe that at no time have they done anything but an excellent job. Furthermore, I want to say that at a recent press conference our Governor revealed that the administration has taken no stand on this legislation, but that he personally favored it."

The President recognized Senator Rainie, District No. 15:

"Mr. President, I move that the words, inexpedient to legislate, be substituted for the words, ought to pass."

Question being on the motion to substitute.

The President recognized Senator Rainie, District No. 15, to speak:

"Mr. President, I don't intend to bore the Senate with too long a talk. I feel that there is so much at stake in this state that I must say something. In the first place, I want it understood that I believe there is going to be considerable damage done to this state by the passage of this law. This is not only opposition to alcohol, but opposition to the further use of alcohol in the State of New Hampshire. We are told by the Commission on Alcoholism that there are seventeen thousand alcoholics in this state and from eight hundred to one thousand in the City of Concord. My experience over the years has been that the more liquor that is sold, the more drunkenness there will be. In other words, if this bill becomes a law, it is expected that a larger amount of alcohol will be sold and thereby more profit will be made. That is the reason for the bill. Much of this additional liquor will be sold at night. People will go into the restaurant for dinner, but they will have a drink, and perhaps another drink. My first objection is to the additional traffic in liquor which the passage of this bill will bring, and it is just impossible to believe that there can be nothing else but more drunks. I am greatly concerned on the effect this will have on the young folks. Under our present law, many of our young people will be deprived of working in restaurants because of their age. The more important thing is that under this law a young person going into a restaurant will be immediately subjected to the temptation of drinking. It is only to

be expected that many people will form the habit of the use of alcohol with their meals. I would say that the passage of this bill would have a great deal of influence upon our young people. It may well mean the taking of their first drink for these young people. We are told by authorities that one out of every sixteen will become an alcoholic. One of the problems that I hear about with reference to young people drinking is this — they don't want to be called 'chicken' and they are tempted to do what the others in the group do. Perhaps he or she may object to the use of alcohol, but there is an initial desire that they must drink. I believe that the prevention of one from becoming an alcoholic is worth more than all the money that a restaurant may obtain from the sale of this liquor. I think it is unworthy of a member of this Senate to vote to pass this law. I feel that we have here in this Senate a great responsibility and I believe it is important to the state what we do with it. . . ."

The President recognized Senator Cleveland, District No. 7:

"Mr. President, in the Committee Report calendar of today there is no minority report on this bill. In view of the fact that the committee vote was that close and in view of the remarks of the Senator from District No. 15, I think I would like an opportunity to pursue this matter further and I would move that this matter be laid upon the table and made a Special Order of Business for next Wednesday, at 11:02 o'clock."

The President recognized Senator DeLude, District No. 8:

"Mr. President, I am opposed to the motion of the Senator from District No. 7. This is, as I believe it, one of the perennial questions. I am quite willing that action be taken on this bill at the present time and can see no point in delay."

The President recognized Senator Lamontagne, District No. 1:

"Mr. President, I am opposed to the motion of Senator Cleveland. Last night I received a telephone call and it came from somebody in Concord. This person threatened me in saying if I voted for this bill, they would kill my truck bill which is in the House at the present time. I believe this is just a way to help the opposition group to work further against this

bill. I believe this is a good bill and a step in the right direction and it should be considered now.”

The President recognized Senator Adams, District No. 22:

“Mr. President, I hesitate to rise against the motion of the Senator from District No. 7, I believe in granting any Senator the courtesy of a delay in order to study further on a bill. However, I believe that it has been clearly explained. Either we want liquor in restaurants or we don’t want liquor in restaurants. This same question comes up every session. I believe that action should not be delayed.”

The President recognized Senator Caron, District No. 17:

“Mr. President, I rise in opposition to the motion of the Senator from District No. 7. We have many major issues of legislation coming up and I do not believe any delay will change anybody’s mind.”

The President recognized Senator Humphreys, District No. 24:

“Mr. President, I also believe in granting courtesy to any Senator, but I would like to ask the reason for this delay. What may be accomplished by the delay?”

Senator Cleveland replied:

“In reply to your question, I am interested in the remarks made by several of the senators. I find that we have a committee report here saying that the bill ‘ought to pass.’ But then the remark that three members of the committee voted for the bill and two against it. At this time, I don’t know how the committee hearing went. It just seems to me that sound legislative procedure should be considered. I am not trying to delay this, but inasmuch as we have a Special Order for tomorrow, I did make the motion for next Wednesday.”

Question being on the motion of Senator Cleveland that the bill be made a Special Order of Business for next Wednesday.

On this question, Senator Karkavelas, District No. 21, requested a division.

Four senators having voted in the affirmative, and seventeen senators having voted in the negative, the negative prevailed, and the motion was lost.



Question being on the motion of Senator Rainie, District No. 15, that the words, inexpedient to legislate, be substituted for the words, ought to pass.

The President recognized Senator Anderson, District No. 9:

"Mr. President, I am one of the minority of the Liquor Laws Committee and my reason for opposing this bill is the fact that I believe it cannot be enforced. The proponents of this measure say that the matter is entirely in the hands of the Liquor Commission which is true, but here it says 'may be' granted to anyone who runs a restaurant; which is defined as a place for the serving of meals that can feed twenty people. That means that the Liquor Commission will be unable to refuse to issue a permit for anyone applying under this heading. After making an audit of their records which must show that at least 60% of their sales must be from food is also misleading — even ice cream is considered to be a food."

The President recognized Senator O'Brien, District No. 2:

"Mr. President, I am the sponsor of this bill, I am not in the restaurant business. No member of my family is in the restaurant business and I have no personal interest in this bill as far as restaurants are concerned. I made a check yesterday and learned that the economy of our State is centered around three major factors; agriculture, manufacturing and recreation. I have spent most of my life in agriculture, but we all realize that agriculture is no longer considered to be of too much importance in this State. As for manufacturing, that is no longer the big business that it used to be. Many large manufacturing plants have moved south. That is no longer as important to this State as it used to be. But there is one thing that we will always have. That is Mount Washington — that will always be here. We are always going to have Hampton Beach and Lake Winnepesaukee. In other words, in my humble opinion, the most important phase of our economy is in our recreational facilities, which up to now has contributed \$185,000,000. Recreation is competitive business. Vermont has some beautiful spots for recreation and so has Massachusetts. Every one of the New England states has some thing interesting and attractive from a recreational point of view. As far as liquor in restaurants is concerned, it is available in Vermont, Massachusetts, Rhode Island and Connecticut. The only states that

differ are New Hampshire and Maine, and in Maine, restaurants can either sell beer but not hard liquor, or they may have a license to sell hard liquor but not beer. I am against the motion to delay any further action on this bill."

The President recognized Senator English, District No. 11:

"Mr. President, I am against the bill. This measure has resulted in my receiving word by letter, telephone and personal conversation a large number of persons opposed to it. I have received no word from anyone in favor of this bill. My district has a large stake in recreation, but I believe that the thinking of the people that I represent is not for the need of the serving of liquor in restaurants as being necessary to enjoyment of our recreational areas."

The President recognized Senator Lamontagne, District No. 1:

"Mr. President, I am in favor of this bill, and I hope that the Senate will vote to pass this bill."

The President recognized Senator Cleveland, District No. 7:

"Mr. President, I rise in opposition to the motion of the Senator of the 15th district."

Senator Rogers, District No. 6, stated that he was in support of the motion of the Senator of the 15th District to substitute, and that he was opposed to the bill.

Question being on the motion of Senator Rainie, District No. 15, that the words, inexpedient to legislate, be substituted for the words, ought to pass.

On this question Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hodgdon, Rogers, Anderson, English, Rainie, Packard and Merrill.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Bennett, Cleveland, DeLude, Rhodes, Paquette, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

Seven Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

The bill being on its second reading and open to amendment, Senator Caron, District No. 17, offered the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Licenses for Restaurants.* Amend RSA 178 by inserting after section 3 the following new sections: 178:3-a. *Licenses for Restaurants.* The commission may issue a license to any first class restaurant in any town which shall entitle the licensee to sell liquor by the glass and fortified wines by the bottle, if the cork is drawn, with meals in the restaurant; said liquor and/or fortified wines to be consumed with meals in the approved dining rooms of said restaurant only. The determination of what is a first class restaurant is to be within the discretion of the commission. Licenses shall be granted only to such restaurants as the commission at their discretion shall approve and then only to such restaurants as can show the commission on forms and under regulations prescribed by the commission that at least sixty per cent of the gross sales shall fall within the category of food. Annually thereafter or as may seem necessary the commission shall review each license and/or each application for renewal on the conditions stated in this section. No license shall be granted to any restaurant under the provisions of this section in any town or city that has voted to prohibit the sales of alcoholic beverages within its confines.

178:3-b. *Fees.* The annual fee for each license issued under section 3-a shall be fixed by the commission but shall not be less than one hundred dollars nor more than three hundred dollars.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

The President recognized Senator Caron, District No. 17:

"Mr. President, my reason for offering this amendment is due to the fact that there is nothing in SB 62 that spells out a first class restaurant."

The President recognized Senator Karkavelas, District No. 21:

"Mr. President, I am in favor of the amendment. I believe that it clarifies the bill very much."

The President recognized Senator Rainie, District No. 15:

"Mr. President, I believe that this deserves consideration. I would move that this bill be tabled, this amendment be printed in the Journal, and made a Special Order of Business for Wednesday at 11:02 o'clock."

The President recognized Senator Caron, District No. 17:

"Mr. President, I have so stated that the only change in this entire law is the spelling out of the first class restaurant. I am against the motion of Senator Rainie."

Senator Cleveland stated:

"Mr. President, this amendment by the Senator from the 17th District removes the objections that I had spoken of and I wish that I had known it was going to be offered. I am in favor of the motion of Senator Rainie."

Senator DeLude stated:

"Mr. President, I am not in favor of the motion of Senator Rainie."

Senator Adams:

"I rise in opposition to the motion of Senator Rainie. I think it is perfectly clear what we are voting on. I see no need for any further delay. I believe that everybody has made up their minds as to how they are going to vote."

Senator Karkavelas stated:

"Mr. President, I wish to state that I am in favor of voting down the motion."

The President recognized Senator Packard, District No. 16:

"Mr. President, as the roll call showed, the members of the Senate are in favor of passing this bill. Inasmuch as the bill is going to pass, I would approve the amendment."

Question on the motion of Senator Rainie, that the above bill be made a Special Order of Business for tomorrow morning.

On this question, Senator Rainie, requested a division.

Five Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the adoption of the amendment offered by Senator Caron.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

Question being, Shall the bill as amended be ordered to a third reading?

On this question, Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named senators voted in the affirmative: Lamontagne, O'Brien, Horner, Bennett, Cleveland, DeLude, Rhodes, Paquette, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named senators voted in the negative: Hodgdon, Rogers, Anderson, English, Rainie, Packard and Merrill.

Fifteen senators having voted in the affirmative, and seven senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, District No. 8, offered the following resolution:

"I move that the order whereby HB 59, An Act relative to the purchase and distribution of Salk poliomyelitis vaccine by the state, was referred to the Joint Committee on Finance and Public Health, Welfare and State Institutions, be vacated and that the bill be referred to a Committee of the Whole"

Senator Caron seconded the above motion.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

The Senate resolved itself into a Committee as a Whole.

The Senate in regular session.

On motion of Senator Merrill, District No. 23, the rules of the Senate were so far suspended as to dispense with a public hearing on the above entitled bill.

On motion of Senator DeLude, District No. 8, the rules of the Senate were further suspended to permit the introduction of a committee report not previously advertised in the Journal.

### Committee Report

Senator Merrill, for the Committee as a Whole, to whom was referred:

HB 59, An Act relative to purchase and distribution of Salk poliomyelitis vaccine by the state.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

The following entitled bill was read a third time, and passed:

HB 59, An Act relative to purchase and distribution of Salk poliomyelitis vaccine by the state.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, before calling for the Special Order, I would like to request a one minute recess."

The President granted this request.

(Recess)

The Senate re-assembled.

Senator Cleveland called for the Special Order of Business, it being consideration of committee reports on SB 35 and SB 36.

Question being on the adoption of the committee report, inexpedient to legislate, on SB 35.

On a *viva voce* vote, the affirmative prevailed, and the committee report was adopted.

Question being on the adoption of the committee report, inexpedient to legislate, on SB 36.

Senator Cleveland moved that the words, ought to pass, be substituted for the words, inexpedient to legislate, in the committee report.

(Discussion ensued)

Senators Bennett and Cleveland spoke in favor of the motion.

Senator Packard, District No. 16, presiding.

Senators Bergeron and DeLude spoke against the motion.

(The President presiding)

On motion of Senator Paquette, District No. 13, the previous question was called for.

Senator Rainie seconded the above motion.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being, Shall the words, ought to pass, be substituted for the words, inexpedient to legislate?

On this question, Senator Bennett demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Bennett, Cleveland, Daniel, Karkavelas, and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Rogers, DeLude, Anderson, Rhodes, English, Paquette, Packard, Caron, Provost, Bergeron, Adams and Merrill.

Five Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

Question being, Shall the report of the committee be adopted?

On a *viva voce* vote, the affirmative prevailed, and the motion was adopted.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at order for this afternoon at 2:00 o'clock was made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

HB 71, An Act relative to emergency use of party line telephones.

HB 94, An Act relating to water companies, when not public utilities.

HB 224, An Act relative to the Bristol Village Fire Precinct.

HB 160, An Act relative to reimbursement of municipalities for forest fire expense.

SB 62, An Act relating to the issuance of licenses for the sale of liquor in restaurants.

### Reconsideration

Senator Adams, District No. 22, moved that the Senate re-consider its vote whereby it passed SB 62, An Act relating to the issuance of licenses for the sale of liquor in restaurants.

On a *viva voce* vote, the negative prevailed, and the motion to re-consider was lost.

On motion of Senator Karkavelas, District No. 21, the following resolution was adopted:

*Whereas*, the members of the Honorable Senate have learned that on this day one of our revered members has now become eligible for membership in the JACK BENNY CLUB, and

*Whereas* it is the wish of us all to join in hearty congratulations, be it therefore

*Resolved*, That when this body adjourns this day, it will be in honor of the Honorable Senator from the First District, Laurier Lamontagne.

On motion of Senator Karkavelas, the Senate adjourned in honor of Senator Lamontagne, District No. 1.

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THURSDAY, MARCH 7, 1957

The Senate met according to adjournment.

### Introduction of Guests

The President welcomed the following guests to the Senate: Mr. Paul Lagace of Manchester, who was the guest of Senator Daniel, District No. 19; Margaret Cote and Leonard Paquette, who were the guests of Senator Paquette, District No. 13; Miss Jeanette Saigh, Chairman New Hampshire Education Retirement Committee, who was the guest of Senator Caron, District No. 17. Also, the former Senator from District No. 5, the Honorable John W. Dole of Bristol, who was



escorted to the rostrum by the present Senator from District No. 5, Senator Bennett, at the request of the President.

### **Introduction of Senate Bills**

Senator Rainie, District No. 15, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Labor:

SB 87, An Act relative to definition of employees under the Workmen's Compensation Law.

Senators Packard, District No. 16, and Daniel, District No. 19, introduced the following entitled bills which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

SB 88, An Act relative to decrees and certificates of adoption.

SB 89, An Act relating to the confidential nature of adoption records and proceedings.

Senator DeLude, District No. 8, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

SB 90, An Act relative to detainers within the state.

Senator DeLude, District No. 8, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Public Health, Welfare and State Institutions:

SB 91, An Act relative to interstate compact on mental health.

Senator Caron, District No. 17, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 92, An Act relative to certain transfers from the employee's retirement system to the firemen's retirement system.

### Committee Reports

Senator Provost, for the Committee on Liquor Laws, to whom was referred:

HB 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Packard, District No. 16:

"Mr. President, I offer the following amendment and move its adoption:

Amend by inserting after section 1 of the bill the following new section:

2. Amend RSA 181 by inserting after section 9 thereof the following new section: 181:9-a. *Residence Requirement.* No person shall through stock ownership, interlocking stock ownership, interlocking directors, or otherwise, have an interest or control, either direct or indirect, in the business of the holder of a wholesaler's permit unless he has been a resident of the state for three consecutive years immediately prior thereto. The provisions of this section shall not apply to the renewal of existing wholesale permits by the holders thereof at the time of the passage of this act.

Further amend by renumbering section 2 to read section 3.

"Mr. President, the purpose of this amendment and the urgency for it is because of something that has happened in the beer distributing industry. Three of the wholesale beer distributors in Manchester, all good business men who have been in business for many years, have come to me within the past few weeks and told me that a very serious procedure is taking place in the distribution of beer. There is a law on our books which states that no brewery can also be a distributor in this state. What I am going to say is going to be impossible to prove. However, these legitimate business men who have been in business for a long time are in a status where the brewers control their sales. For some reason or other, the brewers are now trying to take over, through a third party, the distribution of wholesale beer in New Hampshire. These old established distributors came to me and asked me how this could be remedied. They asked if a person had been a resident

of this state for three years, would it help. This is a request by the distributors themselves. Some people have said that this would hurt them, but this amendment was introduced at their request. It will be a protection against these big giants coming in and taking over their business. Some large companies have already sent their representatives in and have taken over a couple of distributing places in this state."

The President recognized Senator Karkavelas, District No. 21:

"I wish to speak on the amendment and also on the bill itself. The Liquor Laws Committee went into executive session and acted on HB 230 which is a bill that involves where a person who holds a liquor distributor's license goes into bankruptcy or through the death of an owner, the power will be given by the Liquor Commission to appoint someone to take over the business. All of the committee was in favor of the amendment, and I believe that it will serve the business men of the State of New Hampshire in good faith. They have this same law in Maine. Two members of the committee thought that the amendment itself should come in in the form of a new bill. I have no objection to the amendment, but I do know that there are members of the committee who wish to speak."

The President recognized Senator Rainie, District No. 15:

"Mr. President, I want it thoroughly understood here that the fact that this bill has to do with beer does not affect me at all, just because the bill is along the same line as one we discussed yesterday. If a man dies, the license dies with him. This provides only that the Liquor Commission can appoint someone to handle the business. The Liquor Commission has been doing this already, but this would make it legal, that is all. Now yesterday, I was in opposition with one phase of the liquor business, but from a practical viewpoint, it has no relationship whatever with HB 230.

"There was no hearing held on the amendment. The committee members felt that we should act on it right away. The attempt was made to tack this onto this bill and ask us to pass this right then and there. It might have a big effect on the beer people in this State. I believe that we want to know what is going on. Certainly we want to protect our business men. But we want to know who it is that we are protecting. This is an attempt to hide something. We are preparing a new bill, which

I believe I am in favor of. However, I believe we should know more about the matter before we pass on it. I urge for our own protection that we find out more about it."

Senator Karkavelas:

"I wish to make just one remark on what the Senator from the 15th District has said. At the hearing on HB 230, the amendment was offered by the Senator from District No. 22 before the committee. The Senators from District No. 1 and District No. 20 appeared in favor of the amendment. It was heard by the House Committee."

Senator Rainie:

"I never had any notice of a hearing where this amendment was considered. I knew nothing about it until yesterday afternoon."

Senator Packard:

"Mr. President, There is something hinted at here that this is a slightly underhanded way of doing things. I certainly don't go for that at all. As I said before, it is urgent that this be handled at once. I am perfectly agreeable to having this made a Special Order of Business at any time. I do not want to put this matter in a form of a new bill — that would perhaps mean a delay of two months."

Senator Bergeron:

"Mr. President, in the Journal of February 27, committee hearings, Liquor Laws Committee, Room 307, hearing on HB 230. The full committee was there except the Senator from the 15th District. The emergency for this is very clear to me as I have been very close to the matter. We have a distributor in our town who has been the distributor for beer for 24 years, who was treated the same way as has been done to distributors in Manchester. He was a very nice man and a good business man, employing about 20 people. He came to me and we went over the points quite thoroughly. As this beer distribution is being handled, there is no franchise and can be stopped at any time."

Senator Cleveland:

"Mr. President, it seems to me that everyone can be made happy. I agree with the Senators from District No. 15 and 16 that it is not good legislative procedure to annex amendments

to bills that have nothing to do with the bill. Particularly in view of the fact that the Journals will be coming from the printers tomorrow and we will be able to study this further, I would move that this amendment be printed in the Journal, and that the matter of adopting the amendment be made a Special Order of Business for next Wednesday morning, at 11:02 o'clock."

Senator Packard seconded the motion.

The President recognized Senator Adams, District No. 22:

"Mr. President, I have no objection to this matter being made a Special Order of Business for next Wednesday, but I would like to inquire of the Senator from District No. 7 if in the meantime there is any way we can notify the Liquor Commission that this matter is under consideration and that no new licenses be issued until this matter is decided upon."

Senator Cleveland:

"Mr. President, in reply to the Senator from the 22nd District, I would suggest that this amendment, if there is no objection on the part of the sponsor of the amendment, be taken over to the Liquor Commission by perhaps the Senator from the 16th District or from the 22nd District. I would suggest that a further amendment be made as to the effective date — perhaps retroactive to February 1st or March 1st."

Senator Rainie:

"Would it be wise to make this retroactive? I don't think it should be retroactive."

Senator Cleveland:

"We do pass retroactive bills in order to help out some situations, but generally speaking, as you know, retroactive laws are unconstitutional. As the Senator from District No. 22 has stated, this situation is going on because it is common knowledge that the larger brewers are trying to cut costs. Whether it is wise legislation or not, I would not say."

Senator Rainie:

"Don't you think the situation might be taken care of as suggested by the Senator from the 22nd District? I would suggest that the Senators from the 16th and 22nd Districts make it a personal point to inform the Liquor Commission that this bill is in the works. As I understand it, all the Liquor Commission has to do is approve the franchise anyway."

At the request of Senator Adams, District No. 22, the President declared a one minute recess.

(Recess)

The Senate re-assembled.

Question being on the motion of Senator Cleveland.

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

Senator Cleveland offered the following resolution:

*Resolved*, The New Hampshire State Liquor Commission is hereby requested not to issue any wholesale distributing license permit, pending the decision by the Senate on an amendment to be printed in today's Journal. They are further requested to report to this body on or before Wednesday, March 13, 1957 a list of all such permits issued by them since December 1, 1956.

On a *viva voce* vote, the affirmative prevailed, and the above resolution was adopted.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 2, An Act repealing certain provision relative to the removal or discharge of Merrimack county employees.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, in the last minutes of the 1955 session, an act was passed which was intended to apply mainly to Merrimack County to correct a situation there. There was a particular reason for passing it. It was very unwise. This bill repeals that piece of legislation."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 89, An Act repealing the provisions for annual returns and annual return fees for voluntary corporations.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, most of you will recall that in the 1955 session, in order to raise a little extra money, an extra \$5 fee was assessed against voluntary corporations. This had never taken place before and it caused more embarrassment and cost more to enforce than it was worth. The office of the Secretary of State reports that it was very unwise legislation and they are in favor of its repeal."

Senator Cleveland spoke in opposition to the committee report to the bill. Stated that he "was not going to attempt to overthrow the committee report, but did wish to be recorded as having voted against the bill."

The President recognized Senator Packard, District No. 16:

"Mr. President, as a member of this committee, I would say that there was very little comment pro or con for this committee report. Apparently, there is something that the committee did not foresee. I would therefore, move that this bill with the accompanying committee report be laid upon the table and referred to the Finance Committee. I would like to clear why I make that motion. SB 1 which had to do with the gasoline tax, was referred to the Committee on Finance. It was a bill that had nothing to do with the Finance Committee. But since that was referred to the Finance Committee, I am making the above motion."

Senator Daniel, District No. 19, spoke in favor of the motion.

Question on the motion.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question being, Shall the bill be ordered to a third reading?

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Cleveland requested to be recorded as having voted against the third reading and final passage of the above entitled bill.

Senator Daniel made the same request.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 111, An Act relative to the salary of the Carroll County solicitor.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie:

“Mr. President, the present salary for the Carroll County solicitor is \$1,200. Any of you who know anything about the duties of a county solicitor know that there is a lot of small stuff to be attended to and \$1,200 is very low pay in these present days — a measly sum. The Carroll County Delegation has voted that \$2,000 is a reasonable amount. Burnham B. Davis appeared in favor of the bill and the committee felt that it approved the passage of the bill.”

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

The President recognized Senator Merrill, District No. 23:

“Mr. President, I move that the rules of the Senate be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.”

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

### Committee Report

Senator Merrill, for the Joint Committee on Resources, Recreation and Development, and Finance, to whom was referred:

HB 48, An Act authorizing an interstate compact relating to flood control of the Merrimack River.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett:

“Mr. President, this is a very weighty subject referring to the Hopkinton-Everett dams. The bill is lengthy and complicated and I don't propose to take a great deal of the Senate's



time to discuss the bill. It is an old story. It has been brought before the Legislature for several sessions previously and I have spent some time reading it. I believe Senator Merrill has some facts to give you."

Senator Packard asked Senator Merrill how much state money, if any, was involved.

Senator Merrill:

"The cost of the dam would be paid for by federal funds and the taking of any land or buildings would also come under that category. The compact is implemented by six members — three from Massachusetts and three from New Hampshire. The two states will contribute to the cost of the operation of this commission. The commission's duty is to determine the tax loss involved in the areas in which the dams are located. Also determine economic loss, if any. The amount of the loss involved will be divided between the two states — 70% from Massachusetts and 30% from New Hampshire. The amount from Massachusetts would be \$17,500 the first year and \$14,000 the second year and thereafter. New Hampshire — \$7,500 the first year and \$6,000 per year thereafter. The commission members would be paid at the rate of \$30 per day for their services when they are functioning as a commission, but not in excess of \$600 per commissioner per year. In addition to the \$7,500, we have to add the cost of the commissioners' services. If the money is not all used, it will revert back to the state treasurer."

Senator Anderson:

"I find myself in a very peculiar situation. My district covers not only some of the towns involved, but also some wards of the city of Concord. Concord is in favor of this bill and the rest of the district is against."

Senator Bennett:

"I would move that the above entitled bill be ordered to a third reading."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Special Order of Business**

It now being 11:01 A. M., Senator Lamontagne, District No. 1, called for the Special Order.

It being: On the adoption of the amendment offered by the Committee on Ways and Means to HB 33, An Act relating to motor vehicle violation.

Senator Cleveland:

"Mr. President, this is a Ways and Means Committee bill and having to do with motor vehicle violation. I think that probably in fairness to the members of the Senate, I will content myself in being reported in opposition to the committee report and not make any attempt to overthrow the committee report. I will state why I am in opposition to this bill. As I understand it, it takes away from the courts and from the protection of the courts the prosecution of offenders in drinking driving. This goes back to six years ago when Lawyer Phinney, then the Attorney General and the question raised by the ——— case. I am against the committee report and the bill."

Senator Lamontagne:

"Mr. President, I am in favor of the report."

Senator Adams:

"Mr. President, I rise in support of the committee report. I urge the Senate to adopt this amendment."

Question being on the adoption of the amendment offered by the Committee on Ways and Means.

On a *viva voce* vote, the affirmative prevailed, amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Cleveland wished to be recorded as having voted against the above being ordered to a third reading, and final passage, of the above entitled bill.

The President recognized Senator Cleveland, who moved that the Committee on Ways and Means be discharged in connection with HB 24, An Act providing for the assessment and collection of a special head tax for state purposes, and that the Senate take up further consideration of the bill at the present time.

Senator Adams:

"Will this require a two-thirds vote or a majority vote?"

The Chair replied that if the order was to vacate, it

would take a two-thirds vote. In the case of Senator Cleveland's motion, it will take a majority vote.

Senator Adams:

"May I inquire if the Chair is discharging the committee?"

The Chair stated that at a previous time the Chair ruled that the committee was not being discharged. But now the committee, not having adopted or followed the instructions given it by the Senate, the Senator from District No. 7 moved that the committee be discharged and that the bill be brought on the floor of the Senate for action at the present time.

Senator Adams:

"May I ask Senator Cleveland a question. Do you contemplate taking action on this bill today?"

Senator Cleveland:

"I believe that is clear. Once the committee has been discharged and by the ruling of the Chair that require a majority vote, and if the Senate votes to discharge the committee, it will then be brought to the floor of the Senate."

Senator Adams:

"Matter of parliamentary inquiry. Inasmuch as no committee report was mentioned in today's Journal, will it take a vote of the Senate?"

The Chair ruled "that inasmuch as the Ways and Means Committee has already had a public hearing on the bill and has taken executive action on the bill and has refused to comply with the instructions given to them a week ago, the motion to discharge the committee is now in order. The motion offered by the Senator from the 7th District is entirely in order and upon passage of the same. House Bill No. 24 comes immediately into possession of the Senate and the will of the Senate in regard to the same thereafter is left to the discretion of the Senate. Inasmuch as the Senate has no report of the committee, no report obviously can be printed in the Journal, and equally obviously no rule of either the Senate or House has been violated by the Senate taking up the matter at this time without report being printed in the Journal. As soon as the motion now before the Senate is passed, the bill comes into possession of the Sen-

ate, it is on its second reading and open to amendment or to any other action which this Senate sees fit to take.”

Question being on the motion of Senator Cleveland that the committee be discharged.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion was adopted.

Senator Adams:

“I will ask that the records show that I question the legality of considering the matter at this time, inasmuch as no committee report appears in today’s Journal and that the rules of the Senate have not been suspended.”

Senator Cleveland:

“I would request that the record show that the Senator from the 22nd District was reminded of this privilege of questioning the ruling of the Chair, but did not avail himself of the opportunity of putting the ruling of the Chair to a vote.”

Senator Lamontagne, District No. 1, moved that HB 24 be indefinitely postponed.

Senator Packard moved that the above entitled bill be laid upon the table.

On a *viva voce* vote, the negative prevailed.

Senator Packard requested a division.

Eight Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the motion to indefinitely postpone.

Senator Paquette, District No. 13, demanded a roll call. The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Paquette, Caron, Provost, Daniel and Bergeron.

The following named Senators voted in the negative: O’Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Rainie, Packard, Karkavelas, Adams, Merrill and Humphreys.

Six Senators having voted in the affirmative, and sixteen

Senators having voted in the negative, the negative prevailed and the motion was lost.

Senator Lamontagne offered the following amendment:

Amend section 1 of said bill by striking out the word "seventy" in line four and inserting in place thereof the words, sixty-six, so that said section as amended shall read as follows:

1. *Special Head Tax.* There is hereby levied and assessed in 1957 and 1958 for the use of the state a special head tax of five dollars upon each and every resident of the state, as defined herein, over twenty-one and under sixty-six years of age.

Senator Lamontagne spoke in favor of the adoption of the amendment.

Senator Cleveland and Senator DeLude spoke against the amendment.

Senator Adams, Senator Daniel and Senator Bergeron spoke in favor of the amendment.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Eight Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Adams offered the following amendment:

Amend said bill by striking out the title and inserting in place thereof the following: An Act providing for the assessment and collection of a per capita school tax for educational purposes.

Further amend said bill by striking out section 1 and inserting in place thereof the following new section: 1. *Per Capita School Tax.* There is hereby levied and assessed in 1957 and 1958 for the use of the state a per capita school tax for educational purposes of five dollars upon each and every resident of the state, as defined herein, over twenty-one and under seventy years of age.

Further amend said bill by striking out in sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 the words "head tax," "head taxes," and "special head tax," or "special head taxes" where they occur in said sections and inserting in place there-

of the words, per capita school tax, or per capita school taxes, so that said sections shall read as follows:

2. *Resident Defined.* The word "resident" as used herein shall mean a person, whether a citizen or an alien, except paupers and insane persons, who has resided in this state for at least six months next preceding the date of each assessment of the per capita school tax.

3. *Time of Payment.* Said per capita school tax shall be assessed upon April 1, 1957, and April 1, 1958, and payable upon demand on or after each of said dates.

4. *Collection.* The selectmen of towns and assessors of cities shall on or before June 1, 1957 and June 1, 1958, make a list of all per capita school taxes by them assessed against residents of their respective towns and cities and commit the same together with a warrant under their hands and seals to the collector of taxes for such town or city directing said collector to collect such per capita school taxes on or before December first next following and keep the same in a special account, and monthly, or oftener, pay the same over to the town or city treasurer as the same are collected. Upon receipt of the original per capita school tax warrant in each year the collector shall forthwith certify to the state treasurer, upon a form prescribed and provided by the state treasurer, the total amount thereof. Upon application by the assessors the tax commission for good cause may extend the time for such delivery.

5. *Penalty.* There shall be added to any per capita school tax not paid in full on or before December first following the assessment thereof the sum of fifty cents which shall be collected with the tax as incident thereto.

6. *Remedies for Collection.* Said per capita school taxes may be collected by all of the means and methods provided in RSA 80 and the provisions of RSA 214:10 and RSA 260:4, 6 as amended by 1955, 39:2, 50:17, and 125:1 shall apply to the per capita school tax assessed hereunder.

7. *Husband Liable.* A husband shall be liable for the payment of the per capita school tax assessed against his wife, if, when it was assessed, they were living together.

8. *Liability of Cities and Towns.* Each town and city shall be liable to the state for all per capita school taxes lawfully assessed in such town or city.

9. *Payment to State.* On or before the fifteenth day of the months of September, December, March and June, each town and city shall cause its tax collector to certify such information as the state treasurer shall require and the treasurer to pay over to the state treasurer all per capita school taxes and penalties collected during the preceding three months after first deducting ten per cent of the per capita school taxes collected. Such deduction shall be for the use of the town or city to offset all expenses incurred in the assessment and collection of the per capita school taxes; provided however that in towns where the collector of taxes is paid on a part time or commission basis not less than thirty per cent of the sum so deducted shall be paid to said collector for his services in collecting said per capita school taxes. If any town or city shall fail to make its payment when due the deduction of the ten per cent to be retained by it shall be reduced by one quarter of one per cent for each week or part thereof said payment is overdue.

10. *Final Payment.* Each town and city shall cause its treasurer on the 15th day of June in the year following the assessment to pay to the state treasurer an amount equal to all uncollected per capita school taxes for which the city or town is then liable less the ten per cent deduction provided that the total deduction retained from all payments to the state treasurer shall not exceed ten per cent of the total amount of the original warrant less the amount of all lawful abatements certified to the state treasurer. If the payment is not made as above provided the state treasurer shall withhold the amount of any per capita school taxes and penalties due to the state for which the town or city may be liable, from any amounts payable by the state to the city or town failing to make the payments of per capita school taxes as aforesaid. The state treasurer shall not pay to any city or town any amounts that may be due to it from the state until all payments of per capita school taxes then due have been paid to him.

11. *Extents.* The state treasurer shall also issue his extent for the amounts of all per capita school taxes and penalties which have been collected and not remitted by any town or city as provided herein.

12. *Abatements.* Selectmen and assessors may abate any per capita school tax assessed against persons not subject

thereto as provided in sections 1 and 2 of this chapter and upon written application may abate such tax when it appears that the payment thereof would impose hardship upon the applicant or after all methods of collection provided by law have proved ineffective. They shall make a written record of all abatements made by them and certify the names, addresses and precise reasons for all abatements made because of undue hardship and inability to collect the same to the tax commission for review. If, upon review, the tax commission decides that the abatement should not have been made it shall disallow the abatement and upon notice thereof the town shall pay to the state the amount of all abatements so disallowed.

14. *Supplies, Bills and Postage.* The tax commission shall provide each city and town, without charge, printed tax bills, envelopes, postage, or postal cards, and other supplies, to be used in assessing and collecting such per capita school taxes and in keeping the necessary records relating thereto. It may reimburse any city or town in which it seems more practicable and advisable for it to obtain its own supplies, materials and postage, for the cost thereof provided that the purchase of such supplies, materials and postage by city or town has been previously approved by the tax commission. The expenses incurred or reimbursements authorized by the tax commission hereunder and for supplemental bonds required hereunder shall be a charge against the funds collected by the state under the provisions hereof.

15. *Exemptions.* All persons on active duty in the armed forces of the United States of America on the date of assessment shall be exempt from payment of the per capita school tax. Veterans totally and permanently disabled from service connection who are drawing federal compensation or pension, and whose income, exclusive of said compensation or pension, is less than one thousand dollars a year, upon written request filed on or before April fifteenth, shall be exempt from the per capita school tax.

Further amend said bill by striking out the words "the general funds of the state" and inserting in place thereof the words, a special fund to be used solely for educational purposes, so that said section shall read as follows:

16. *Disposition of Taxes.* All funds received by the state treasurer under the provisions hereof, less costs of



collection as provided in sections 9 and 14, shall be deposited in a special fund to be used solely for educational purposes. Said fund shall be expended by the state board of education for state aid for schools as provided in RSA 198.

Senator Adams spoke in favor of the amendment:

“As I understand from the Senator from District No. 7, the administration is opposed to any amendment to this head tax bill, therefore I am certain I will not be successful in the adoption of this amendment. However, I am sincere in offering it. Originally, this head tax was proposed as an emergency measure, but now after some four years, it has become a permanent part of the financial structure of this state. By passing the head tax bill at this time, we are in effect saying ‘this is the tax. This is the money that we expect to use to finance the state for the next two years.’ We don’t think of any other measure that revenue might come from. In fact, they don’t want any other measure. I believe that many of the other senators agree with me, but don’t want to stand up and be counted. I believe that this amendment has a lot of merit. I would have no qualms in admitting that I had voted for this amendment, but I certainly do not want to tell people that I would vote for the head tax.”

Senator DeLude:

“I would like to state my position at this time. At a committee hearing in the House I told that committee at that time, I am opposed to the earmarking of any funds. I am against the amendment.”

Senator Lamontagne requested a two-minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator Karkavelas spoke in favor of the adoption of the amendment.

Question being on the adoption of the amendment offered by Senator Adams.

On this question, Senator Adams demanded a roll call.

The Clerk proceeded to call the roll.

The following named senators voted in the affirmative:

Lamontagne, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

The following named senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Rainie, Merrill and Humphreys.

Nine senators having voted in the affirmative, and thirteen senators having voted in the negative, the negative prevailed, and the motion to adopt the amendment was lost.

Senator Packard offered the following amendment:

Amend said bill by inserting after section 2 the following new sections: 2-a. *Tax on Nonresidents.* During the years 1957 and 1958 a tax similar to that imposed on residents, at the rate of five dollars for each of said years is hereby levied and assessed for the use of the state on each nonresident who has been regularly employed within the state and physically present in connection with such employment for at least six months next preceding the dates of April 1, 1957 and April 1, 1958. 2-b. *Reports.* Every employer shall, on or before the thirtieth day of April in each of the years 1957 and 1958 report in writing to the selectmen or assessors the name of every person employed by him as of April first of each of said years, respectively, who had been regularly employed by him and who has been physically present in the state in connection with such employment for a period of at least six months next prior to each such April first but whose dwelling place was outside the state. 2-c. *Collection.* The head tax hereby assessed against nonresidents shall be collected by selectmen of towns and assessors of cities in the same manner as head taxes assessed against residents are collected and reports to the state treasurer any payments to the state of said collections shall be made in the same manner and under the same provisions as reports and payments are made on resident head taxes.

Senators Packard and Adams spoke in favor of the amendment.

Question being on the adoption of the above amendment.

Senator Packard demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative:

Lamontagne, Paquette, Packard, Caron, Provost, Daniel, Bergeron and Adams.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Rainie, Karkavelas, Merrill and Humphreys.

Eight Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Senator Packard moved that the above entitled bill be re-committed back to the Committee on Ways and Means. This motion was seconded by Senator Bergeron.

Senator Cleveland spoke in opposition to the motion.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question being, Shall the bill be read a third time?

On this question, Senator Karkavelas demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: O'Brien, Horner, Hodgdon, Bennett, Cleveland, DeLude, Anderson, Rhodes, English, Rainie, Karkavelas, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, Paquette, Packard, Caron, Provost, Daniel, Bergeron and Adams.

Thirteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, District No. 17, the Senate voted that when it adjourn today it be to meet next Wednesday morning at 11:00 o'clock.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 2, An Act repealing certain provisions relative to the removal or discharge of Merrimack County employees.

HB 24, An Act providing for the assessment and collection of a special head tax for state purposes.

HB 33, An Act relating to motor vehicle violation.

HB 48, An Act authorizing an interstate compact relating to flood control of the Merrimack River.

HB 89, An Act repealing the provisions for annual returns and annual return fees for voluntary corporations.

HB 111, An Act relative to the salary of the Carroll County solicitors.

Senator Cleveland moved that the Senate re-consider its vote whereby it passed HB 24, An Act providing for the assessment and collection of a special head tax for state purposes.

Senator Adams: "Does it take a two-thirds vote or a majority vote for reconsideration?"

The Chair replied: "A majority vote will be required."

Question being on the motion of re-consideration.

On this question, Senator Packard requested a division.

Eight Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion to re-consider was lost.

Senator Bennett moved that the Senate re-consider its vote whereby it passed HB 48, An Act authorizing an interstate compact relating to flood control of the Merrimack River.

On a *viva voce* vote, the negative prevailed, and the motion to re-consider was lost.

Senator Caron introduced the following Joint Resolution, which was read a first and second time, and referred to the Committee on Labor:

### **Joint Resolution Recognizing Long Service of State Employees**

*Whereas* the Division of Personnel for the State of New Hampshire has promulgated rules governing annual leave for certain state employees, and

*Whereas* these rules do not provide for additional annual leave for long service employees, and

*Whereas* it is the desire of the Director of the Division of Personnel to receive some expression from this General Court, and

*Whereas*, it is the desire of this body to recognize the long and faithful service of these employees, now therefore be it

*Resolved*, That this General Court go on record as favoring the granting of an additional one-quarter day per month for each classified state employee of ten years longevity, and be it further

*Resolved*, That a copy of this resolution be transmitted to the Director of the Division of Personnel for the State of New Hampshire.

On motion of Senator Adams, District No. 22, the Senate adjourned.

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WEDNESDAY, MARCH 13, 1957

The Senate met according to adjournment.

### **Introduction of Guests**

The President welcomed to the Senate, Mrs. Philip S. Willey, the wife of Representative Willey of Campton, who was the guest of Senator Horner, District No. 3. Also, Mr. Atwell H. Taylor of Concord, who was the guest of Senator Packard, District No. 16.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 36, An Act relating to payment of tuition by certain school districts.

HB 90, An Act relative to class III recreational roads.

HB 139, An Act relating to tuition of elementary and high schools.

HB 164, An Act changing classification of the so-called Frazer road.

HB 174, An Act providing for the classification of Dalton Brook and Messer Brook watersheds.

HB 175, An Act providing for the classification of Ossipee and Little Ossipee River watersheds.

HB 180, An Act to change the name and amend the charter of St. Mary's School for girls.

HB 192, An Act relating to fraudulent checks issued in payment of services.

HB 193, An Act relating to committal to jail for the non-payment of taxes.

HB 194, An Act abolishing the civil and criminal jurisdiction of justices of the peace.

HB 200, An Act relating to acknowledgments.

HB 202, An Act relating to enforcement of support.

HB 220, An Act relative to trustee process.

HB 221, An Act relative to the Laconia Home for the Aged.

HB 245, An Act to authorize the school district of Pelham to exceed its limit of bonded indebtedness.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 17, An Act to amend the charter of the Wentworth Home for the Aged, and the charter of the Young Men's Christian Association of Laconia.

SB 47, An Act to authorize the school district of Barnstead to exceed its limit of bonded indebtedness.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Resources, Recreation and Development:

HB 174, An Act providing for the classification of Dalton Brook and Messer Brook watersheds.

HB 175, An Act providing for the classification of Ossipee and Little Ossipee River watersheds.

To the Committee on Public Works:

HB 164, An Act changing classification of the so-called Frazer road.

HB 90, An Act relative to class III recreational roads.

To the Committee on Judiciary:

HB 192, An Act relating to fraudulent checks issued in payment of services.

HB 193, An Act relating to committal to jail for the non-payment of taxes.

HB 194, An Act abolishing the civil and criminal jurisdiction of justices of the peace.

HB 200, An Act relating to acknowledgments.

HB 202, An Act relating to enforcement of support.

HB 220, An Act relative to trustee process.

To the Committee on Education:

HB 36, An Act relating to payment of tuition by certain school districts.

HB 139, An Act relating to tuition of elementary and high schools.

HB 245, An Act to authorize the school district of Pelham to exceed its limit of bonded indebtedness.

To the Committee on Ways and Means:

HB 180, An Act to change the name and amend the charter of St. Mary's School for girls.

HB 221, An Act relative to the Laconia Home for the Aged.

### **Committee Reports**

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 190, An Act increasing the jurisdiction of municipal courts in small claims.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, this bill was recommended by the Judicial Council and it is to raise the limitation on small claims from \$60 to \$100. The reasons for legislation such as this is pretty well set forth in the report of the Judicial Council which most of the Senators have read."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

**Special Order of Business**

It now being 11:01 o'clock, Senator Rainie, District No. 15, called for the Special Order.

Question being on the adoption of the amendment offered by the Committee on Resources, Recreation and Development to SB 49, An Act relative to the industrial park authority.

The President recognized Senator Rogers, District No. 6:

"Mr. President, the Chairman of the committee has asked me to explain the bill. It provides, first for an increase in the amount of funds available by the Industrial Park Authority from one million dollars to two million dollars. Second, it provides that the Department of Public Works and Highways will have no control over this Industrial Park Authority. The amendment offered by the committee adds the following words 'the provisions of RSA 228:4 and 5 shall not apply to projects constructed by the authority.' The present increase was not requested by the park authority. The administration has taken the position that the amount of funds available shall be increased without specifying the amount. The board of directors of the park authority did not request the increase, but have taken the position that some increase in the funds would be desirable. The sponsors of this bill are the same as the sponsors of the original bill which created the Industrial Park Authority in the 1955 session. This is the amendment recommended by the sponsors of the bill. I understand that the administration has no objection to it. It is not an appropriation. It is an amount of money which may be borrowed by the authority from the State by means of bond issue. The second part of this bill is to relieve the Industrial Park Authority of the provisions of the Public Works law which involves certain matters of procedure. The reason we have the park authority is to relieve of some responsibility the Department of Public Works and Highways. Projects of the Industrial Park Authority are to be liquidated, or turned over to the tenants, after their occupancy. (Cites the progress of the Raytheon company at the Hooksett industrial park which has repaid the entire cost of the building, etc. Its share of the costs of facilities has already been returned to the State.) Speaking with reference to the purpose of adding those words RSA 28:4 and 5, it follows out the policy adopted by the governor and council at an executive session on or about June 15, 1956



when they adopted this resolution that the Industrial Park Authority does not operate under the Department of Public Works and Highways. That resolution was prepared by the Attorney General's office, and approved by the governor and council. These words in the amendment clarify the original bill with relationship to the authority of the Industrial Park Authority."

Senator Karkavelas was granted permission by the Chair to ask a question of Senator Rogers, as follows:

"I would like to know how many industrial parks have been loaned money?"

Senator Rogers:

"Only one other in Hooksett. Possibility of one in the Whitefield section. Applications have been received from one in Dover and one in Exeter."

Senator Karkavelas:

"How far along is the project as far as Dover is concerned?"

Senator Rogers:

"Dover has received an outline of the steps which should be taken in order to have their application considered by the Industrial Park Authority. That involves certain additional engineering tests, the accumulation of certain data in the matter of labor, etc. When that has been carried out, the matter will be given serious consideration."

Question being on the adoption of the amendment offered by the Committee on Resources, Recreation and Development.

On a *viva voce* vote the affirmative prevailed, and the amendment was adopted.

The President announced that the Chair was of the opinion that although this bill does not require any appropriation of state funds, nevertheless, it increases the borrowing capacity of a state agency and as such may affect the credit of the state of New Hampshire of which we are all exceedingly proud and the Chair would refer this bill as amended to the Committee on Finance, unless there is serious objection on the part of the Senate.

The Chair recognized Senator Rainie, District No. 15:

“Mr. President, before any further action is taken, I would like to speak in opposition to this bill.”

The Chair rules that the Senator from District No. 15 was out of order. The amendment has been adopted and the Chair has referred it to the Committee on Finance. Therefore, any objections the Senator from District No. 15 has to offer to the bill or to the amendment should be offered on the floor of the Senate when the bill is reported out from the Finance Committee.

Senator Rainie replied that he was of the opinion that no action had been taken.

Senator Cleveland requested a two-minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

The President recognized Senator Cleveland:

“Mr. President, as a result of talking with the Chairman of the Finance Committee, I can report to the Senate that the Finance Committee is not particularly anxious to have further hearings on this matter. Before any of these bond issues can be approved, they go before the governor and council in any event and that would be the best time for that consideration to be made. In view of this information, I would respectfully ask the Chair to vacate its order whereby the above bill was referred to the Finance Committee.”

The President announced that the Chair would accede to the request of the Senator and would not refer this bill to the Finance Committee, although he does not feel that the General Court should shirk its responsibilities and turn them over to the governor and council.

The President recognized Senator Rainie to speak against the bill:

“Mr. President, I rise in opposition to this bill. I believe I am in the minority. However, I have found several people who are in support of my feeling in this matter. In the first place, this is nothing in which the state of New Hampshire should be involved. The state is getting into the real estate business and I believe that this point will become a tremendous burden to the citizens of the state of New Hampshire.”

The President reminded Senator Rainie that the bill is on its second reading and open to further amendment. No amendment being offered, the question is, Shall the bill be read a third time?

The President recognized Senator Rainie:

"I believe this is serious enough to justify my position. It means the funds of the state are being used to do the things that a concern cannot do for themselves. The matter of the government being in business is not good to my way of thinking. I wish to register my objection to any further extension of this act."

The President recognized Senator DeLude, District No. 8:

"Mr. President, I would feel remiss in my duty to the people in my district if I did not rise in objection to the remarks of the Senator from the 15th District. I think that we must all be aware of the fact that many of our manufacturers are moving to southern states and taking industry from us. This is of course, in some cases, due to the climate, cost of electric rates, etc. I believe that anything the state of New Hampshire can do toward encouraging industry to come and to settle in this state is certainly for the best interests of the state, and should be supported. I feel the park authority should stress the expansion of some areas still undeveloped. I am speaking in approval of the present bill."

The President recognized Senator Bennett, District No. 5:

"Mr. President, I am the Chairman of this committee which reviewed this bill. However, I am speaking as an individual. If we were considering today whether or not to adopt the provisions of the Industrial Park Authority, I would subscribe to the feelings and thinking of the Senator from District No. 15. I think he has a great deal of merit in his argument and if the vote here today was on the original act, I would vote against it. If I had been here two years ago, I would have voted against it. However, we have taken that step. We cannot turn back. I believe that the Senator from the 15th District has covered the ground very well. If there is any damage, it has been done. But this bill simply allows the authority as it already exists to do more than it was originally set up to do. Two wrongs do not make a right. This is really a very conservative project. Some states are actually buying

land, providing water and sewer systems and abating public taxes over a long period of time.”

Question being, Shall the bill be ordered to a third reading?

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Eighteen Senators having voted in the affirmative, the Chair announced that the vote was manifestly in the affirmative, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie, District No. 15, wished to be recorded in opposition to the bill.

Senator Humphreys, District No. 24, desired to be recorded as being in opposition to the bill.

### **Special Order of Business**

It being 11:02 o'clock, Senator Cleveland called for the Special Order. It being adoption of the amendment offered by Senator Packard, District No. 16, on HB 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

The President recognized Senator Karkavelas, District No. 21:

“Mr. President, as far as the amendment is concerned, I know that it will serve its purpose as far as the distributors of malt beverages in the state of New Hampshire is concerned.”

The Chair announced that in conformity with the resolution passed by the Senate last Thursday, the Liquor Commission has informed the Senate that they will not issue any wholesale distributors license until the Senate has taken action on this bill. They have also submitted to the Chair a list of the wholesale permits issued since December 1, 1956. This list will be printed in today's Journal.

**Wholesale Permits Issued Since December 1, 1956**

Issued	No.	Name
12/6/56	W-2536	Merrimac Distributors, Inc., Manchester Arthur D. Pepin, Pres., Norwood, Mass. Michael Kolligian, Jr., Treas., Winchester, Mass. Jack Kolligian, Sec., Manchester 514 Harvard Street, Manchester
2/19/57	W-2537	Ale & Beer Distributors, Dover John J. Coffey, Pres. and Treas., Bailey Island, Me. Lewis J. Fisher, Sec. Mill Street, Dover

The President recognized Senator Rainie, District No. 15:

"Mr. President, I have had an opportunity to review this bill and amendment. It appears to me that this amendment cannot go far enough. No objection."

Senator Packard spoke in favor of the amendment, stating that it may not be the complete answer, but it may help some. There may be need of more legislation at a later date.

Senator Cleveland stated that he was not personally interested in this bill, to the extent that Senator Packard is, but if he were, he would certainly take out the last sentence of the amendment. Stated: "I don't see why you have the language in and I am not sure that the language is necessary. If two or three of these people have sneaked in under the wire the Liquor Commission should investigate. The state can suspend that right at any time. I think you hurt your case by leaving it in. I am not going to make the motion as it is not my situation."

Question being on the adoption of the amendment offered by Senator Packard.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Packard moved that the rules of the Senate be so far suspended as to place the above entitled bill on its third reading and final passage at the present time, and that the

Clerk be instructed to message this information to the House.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

### **Third Reading of Bill**

The following entitled bill was read a third time and passed, and sent to the House of Representatives for concurrence:

HB 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

Senator English, District No. 11, offered the following report of the committee to revise the Journal, and moved its adoption.

### **Report of the Committee To Revise the Journal**

The Committee recommends that the opening sentence, "The Senate met according to adjournment" be omitted.

Under introduction of guests, the Committee recommends that a separate paragraph be used for the guests of each Senator to facilitate sending this section to guests as a souvenir.

The section usually entitled, "Introduction of Senate Bills" be changed to read, "Introduction, first and second reading of Senate Bills"; that under this section it begin "SB 75, An Act renaming Bear Brook State Park, etc. Senator Adams. Referred: Committee on Resources, Recreation and Development."

Following "House Message" that the section "Read and Referred" should be reentitled, "Introduction, First and Second Reading House Bills" and the arrangement to follow the same procedure as is followed in the introduction of Senate Bills.

Under the section of the Journal entitled "Calendar, Committee Report, Judiciary," the only change recommended is that following the number and title of the bill any second line should be indented five spaces from the number and the committee recommendation also indented five spaces.

Also under Calendar Committee Hearings the room and date of the hearing should be after the list of bills before the committee and, as in the paragraph above, any second line should be indented five spaces from the number of the bill.

The President recognized Senator Cleveland:

“Mr. President, I would move that the motion of Senator English be made a Special Order of Business for tomorrow morning at 11:01 o’clock in order that the report may be printed in today’s Journal. Also, as a part of that motion, that Part 3 of the first report of said committee be taken up at that time, also.

On a *viva voce* vote the affirmative prevailed, and the motion carried.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o’clock to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 49, An Act relative to the industrial park authority.

HB 190, An Act increasing the jurisdiction of municipal courts in small claims.

On motion of Senator Merrill, District No. 23, the Senate adjourned.

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THURSDAY, MARCH 14, 1957

The Senate met according to adjournment.

#### **Introduction of Guests**

The President welcomed to the floor of the Senate former Senator Harry H. Foote of Portsmouth and a group of friends, who were the guests of Senator Humphreys, District No. 24.

#### **Introduction of Senate Bills**

Senator Merrill, District No. 23, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 93, An Act legalizing the school district meeting held in Hampton Falls on March 8, 1957.

Senator Hodgdon, District No. 4, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 94, An Act relative to the Wolfeboro Village Fire precinct.

Senator Packard, District No. 16, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Public Works:

SB 95, An Act relative to lay out of class I and II highways and assessment of damages.

Senator Horner, District No. 3, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

SB 96, An Act correcting certain errors in the statute relative to municipal budget law.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 60, An Act relating to causes for divorce.

HB 77, An Act relative to sale of meat, fish and fowl.

HB 173, An Act relative to apportionment of expenses for forest fires.

HB 178, An Act relative to the reimbursement to the White Mountain National Forest for forest fire expenses.

HB 191, An Act to increase the salaries of justices of the supreme and superior courts.

HB 212, An Act relating to the construction of state armories.

HB 218, An Act relative to fees for funeral directors and embalmers.

HB 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways.



HJR 1, Joint Resolution in favor of Norman Purinton.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 33, An Act relating to motor vehicle violations.

The Speaker has appointed as members of such committee on the part of the House the Messrs. Lamprey of Moultonborough, Keough of Gorham, and Craig of Manchester.

On motion of Senator Cleveland, District No. 7, the Senate voted to accede to the request of the House of Representatives for the appointment of a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate the Senators from District No. 7, Senator Cleveland, and District No. 15, Senator Rainie.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 18, An Act relative to motor vehicles or trailers transporting pulpwood.

Amend paragraph (3) 263:65-a as inserted by section 1 of the bill by inserting after the word "load" the words, to the body, so that said paragraph shall read as follows: (3) each tier and/or row is bound by a chain or steel cable and binder to adequately secure the load to the body, such chains to be made of not less than three-eighth inch wire and such cable to be not less than one-half inch wire cable.

On motion of Senator Lamontagne, District No. 1, the Senate voted to concur in the adoption of the amendment

offered by the House of Representatives to the above entitled bill.

### **Read and Referred**

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Judiciary:

HB 60, An Act relating to causes for divorce.

To the Committee on Agriculture:

HB 77, An Act relative to sale of meat, fish and fowl.

To the Committee on Resources, Recreation and Development:

HB 173, An Act relative to apportionment of expenses for forest fires.

HB 178, An Act relative to the reimbursement to the White Mountain National Forest for forest fire expenses.

HB 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways.

To the Joint Committee of Finance and Military and Veterans' Affairs:

HB 212, An Act relating to the construction of state armories.

To the Committee on Public Health, Welfare and State Institutions:

HB 218, An Act relative to fees for funeral directors and embalmers.

To the Committee on Claims:

HJR 1, Joint Resolution in favor of Norman Purinton.

The Chair announced that if the Committees on Judiciary or Ways and Means had no objection he would refer the following entitled bill to the Committee on Finance:

HB 191, An Act to increase the salaries of justices of the supreme and superior courts.

The Chair stated that if either of the above mentioned committees desire to have this bill referred to their committee prior to its being referred to the Committee on Finance, the Chair could be glad to order it to that committee. The President stated that this bill has to do with the increase in the

salaries of the judges of the supreme and superior courts and if there was no objection, he would refer the bill directly to the Committee on Finance. There being no word from the Chairmen of those two committees, the action of the Chair will be without prejudice and if it is the desire to vacate that order, the Chair will be happy to do so at a later date.

The Chair declared a two minute recess.

(Recess)

The Senate re-assembled.

### Committee Reports

Senator Lamontagne, for the Committee on Claims, to whom was referred:

HJR 12, Joint Resolution relating to the town of Gilsum.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

On motion of Senator English, District No. 11, the above captioned joint resolution with the accompanying report was re-committed to the Committee on Claims.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

SB 30, An Act to make more definite the exceptions to the nurse practice act.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An Act to make more definite the exceptions to the registered nurse practice act.

Further amend RSA 326:12 as inserted by section 1 of said bill by adding at the end thereof the following new paragraph (g) It is declared to be the legislative intention that the usual and proper activities of practical nurses as defined in section 17, of nurses aides, and of hospital attendants and orderlies do not fall within the definition of nursing in section 5 of this chapter and are not prohibited by section 11.

The report was accepted.

Question being on the adoption of the amendments offered by the committee.

The President recognized Senator DeLude, District No. 8:

"Mr. President, the amendments to this bill are relatively simple. There was no controversy over this bill or amendments. We amend the title of the bill which will now read 'An Act to make more definite the exceptions to the registered nurse practice act.' This bill basically raises the standards of the nursing profession in the state of New Hampshire. It simply provides that after July 1, 1957, those nurses that are graduate nurses must take their examinations to become registered nurses. There has been no opposition by the public. I believe we are all interested in raising the standards of the nursing profession in this state. The new paragraph (g) has been put in merely to clarify the intent that this bill does not apply to practical nurses or nurses aides, or hospital attendants and orderlies. While it is not, in my opinion, a necessary amendment, it does clarify the fact that this does not apply to them. There was a doubt on the part of some in the above group that this fact might not be clear. That is the reason for that amendment."

Question being on the adoption of the amendments offered by the committee.

On a *viva voce* vote, the affirmative prevailed, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 83, An Act to authorize the school district of Stratham to exceed its limit of bonded indebtedness.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, the purpose of this bill is to enable the town of Stratham to borrow more money than they could without having a special investigating committee. It was felt by the people over there that it would be quicker to ask the Legis-

lature to pass this rather than the special investigating committee. No opposition."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 65, An Act relative to offenses against minors.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, I think the principal reason why the Judiciary Committee reported this as inexpedient to legislate is because of the fact that we were informed by the House Judiciary Committee that a very similar bill had been introduced in the House and reported out the same. At the hearing, there was no new evidence or sufficient evidence that the Judiciary Committee to feel that the House had erred in killing HB 20."

Question being on the adoption of the resolution offered by the Committee on Judiciary.

On a *viva voce* vote, the affirmative prevailed, and the resolution of the committee, inexpedient to legislate, was adopted,

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

HB 70, An Act relative to penalty for illegal practice of chiropractic.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator DeLude, District No. 8:

"Mr. President, this is a bill that would correct an error in the original law regarding the practice of chiropractic. It seems that as the law is now written, you can practice as a chiropractor as long as you do not advertise. As it is now, you or I could go out and practice, if we could get the patients, just so long as we did not advertise. There have been one or

two cases in New Hampshire where this has been done. It was an oversight in the wording of the original bill. This bill corrects that imperfection in the present law.”

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

HB 79, An Act relative to examinations and fees in the practice of optometry.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator DeLude, District No. 8:

“Mr. President, passage of this bill is to raise the fees for the registration of optometrists. The fees are now \$5. They wish to raise them to \$7. It also strikes out the words ‘doing business’ and replaces them with the word, practicing. Other than that, they are relatively minor changes. There was no opposition.”

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 31, An Act relative to re-examination of holders of licenses to operate motor vehicles.

HB 55, An Act relative to executions in small claims cases.

SB 20, An Act relating to salaries of certain officials of the City of Nashua.

HB 24, An Act providing for the assessment and collection of a special head tax for state purposes.

HB 59, An Act relative to purchase and distribution of Salk poliomyelitis vaccine by the state.

HB 71, An Act relative to emergency use of party line telephones.

HB 89, An Act repealing the provisions for annual returns and annual return fees for voluntary corporations.

HB 94, An Act relating to water companies, when not public utilities.

HB 111, An Act relative to the salary of the Carroll county solicitor.

HB 224, An Act relative to the Bristol Village fire precinct.

SB 17, An Act to amend the charter of the Wentworth Home for the Aged and the charter of the Young Men's Christian Association of Laconia.

SB 47, An Act to authorize the school district of Barnstead to exceed its limit of bonded indebtedness.

HB 48, An Act authorizing an interstate compact relating to flood control of the Merrimack River.

HB 190, An Act increasing the jurisdiction of municipal courts in small claims.

HB 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

### **Special Order of Business**

It now being 11:01 o'clock, the President called for the Special Order. It being: Consideration of the adoption of the Report of the Special Committee to Revise the Journal.

The President recognized Senator English, District No. 11:

"Mr. President, may I suggest that we first consider the recommendations of the committee that were made yesterday. The members of the Senate will have had an opportunity to read them as they were printed on Page 257 of today's Journal. If there are no questions, I would move that the six recommendations made by the Special Committee to revise the Journal on March 13 be adopted."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

The President recognized Senator English, District No. 11:

"Mr. President, with reference to Part 3 from the previous recommendations of the committee, which was printed on Page 7 of the Journal for Thursday, February 21,

I think it is perhaps not necessary to read the recommendations of the committee again. The committee has met and discussed this Part 3 and I believe we are now in accord, and I offer the following amendment to the original Part 3”:

The Recorder will normally summarize the remarks of a Senator on the floor unless the Senator specifically states in the course of debate that he wishes his remarks, or some portion of them, to be set down *verbatim*. Senators will not be permitted to “extend their remarks” adding later to what was said on the floor.

I move that this amendment be printed in today’s Journal and made a Special Order of Business for tomorrow morning at 11:01 o’clock.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o’clock to be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 30, An Act to make more definite the exceptions to the registered nurse practice act.

SB 83, An Act to authorize the school district of Stratham to exceed its limit of bonded indebtedness.

HB 70, An Act relative to penalty for illegal practice of chiropractic.

HB 79, An Act relative to examinations and fees in the practice of optometry.

On motion of Senator Merrill, District No. 23, the Senate adjourned.



FRIDAY, MARCH 15, 1957

The Senate met at 11:00 o'clock.

### **Request for Leaves of Absence**

Senators Rhodes, District No. 10, and English, District No. 11, requested leaves of absence for the day on account of important business. These requests were granted by the Chair.

### **Introduction, First and Second Reading of Senate Bills and Senate Joint Resolution**

SB 97, An Act relative to register of deeds. Senator Adams. Referred to Committee on Ways and Means.

SB 98, An Act providing that each town and ward shall have representation in the house of representatives at each session of the legislature. Senator Cleveland. Referred to the Committee on Judiciary.

SB 99, An Act changing the title of overseer of the poor to overseer of public welfare. Senator Cleveland. Referred to the Committee on Judiciary.

SB 100, An Act relative to reforestation week and Arbor Day. Senator Bennett. Referred to the Committee on Resources, Recreation and Development.

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds. Senator Bennett. Referred to the Committee on Resources, Recreation and Development.

SJR 4, Joint Resolution in favor of Ernest Morgan. Senator Cleveland. Referred to the Committee on Claims.

### **Committee Reports**

Senator Caron, for the Committee on Finance, to whom was referred:

SB 38, An Act relating to probate courts.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Merrill, District No. 23:

"Mr. President, I think the Chairman of the Judiciary Committee has previously explained the purpose of this bill,

but just to refresh the memory of the members, this bill has to do with the continuing effort on the part of the Judicial Council to obtain a uniformity of procedure and forms in probate courts in all counties. Some progress apparently has been made, but not to the point that is desirable. This bill sets up a little bit more definitely the procedure to accomplish the result. Our committee was interested in the appropriation of \$2500 for each two years which the judge felt was a reasonable figure. There was no opposition."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Caron, for the Committee on Finance, to whom was referred:

HJR 5, Joint Resolution for special appropriation for vocational rehabilitation.

Having considered the same, reported the same without amendment, and recommended its passage.

The President recognized Senator Merrill, District No. 23:

"Mr. President, HJR 5 provides an additional appropriation of \$10,000 for the vocational rehabilitation program which is carrying on under the Department of Education. This is a matching program of the federal government and the program will receive \$16,000 from federal funds to match the \$10,000 shown in this House Joint Resolution. The purpose of the resolution is to provide enough funds to carry on this particular work for the balance of the current year. The Department has about twenty-eight cases that need assistance that they feel ought to be taken care of without waiting until next July and they had used all of their appropriation on September 1st. They are not overdrawn at all, but they have this case load which should be taken care of. This program has been in operation for ten years or longer and provides that needy persons, that is, persons who need aids for rehabilitating themselves in order to earn money to earn their living. This is in the category of hearing aids, eyeglasses, artificial limbs and even surgery in some cases that would place a person back on the basis of gainful employment. All in all, it seems to be a program which seems to be a very worthy one and one in which the federal government is involved. There was no opposition. New Hampshire Medical Society appeared

in favor. Dr. Russell from Hanover, who has been active in this program, spoke in favor. The committee recommends the passage of this resolution."

Senator Packard, District No. 16, stated that he was very much in favor of this resolution, but raised the question of whether or not this resolution would in any way help the blind. Stated that he had been questioned as to this by two people.

Senator Merrill, District No. 23:

"As I understand it, perhaps I am speaking without sufficient knowledge, but I do not think this program would take in the blind person. There is a separate phase in the Health Department which does cover the blind."

Senator Humphreys inquired if it would be possible for a man who had lost both legs but who does cane chairs, etc., to be provided with a wheel chair under this program.

Senator Merrill replied in the affirmative, stating that he would say so, if the person involved did not have the means to provide the means to enable him to earn his own living.

On a *viva voce* vote, the affirmative prevailed, and the above captioned joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

### Report of Committee of Conference

The Committee of Conference, to whom was referred a Concurrent Resolution relating to a joint rule providing for an effective date of bills, reported the same with the following recommendation:

That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment and that the House and Senate adopt the Rules of the 1955 session as the Rules of the 1957 session unless otherwise amended.

J. C. CLEVELAND ,

LAURIER LAMONTAGNE,

*Conferees on the Part of the Senate*

N. A. McMEEKIN,

JOHN PILLSBURY,

*Conferees on the Part of the House*

On motion of Senator Cleveland, the Senate voted to adopt the report of the Committee of Conference on the above entitled Concurrent Resolution.

The President recognized Senator Lamontagne, District No. 1:

“Mr. President, the only thing this means here at the present time is that we are going to abide by the 1955 Rules, but at the end of this session, the Rules Committee will get together, draft an amendment, and present it to both the House and the Senate at the next session.”

### **Special Order of Business**

It being 11:01 o'clock, Senator Lamontagne called for the Special Order of Business, which is to take up the matter of the third recommendation made by the Special Committee to Revise the Journal. This recommendation was in the form of an amendment to the previous report and appears in yesterday's Journal and reads as follows:

The Recorder will normally summarize the remarks of a Senator on the floor unless the Senator specifically states in the course of debate that he wishes his remarks, or some portion of them, to be set down verbatim. Senators will not be permitted to “extend their remarks” adding later to what was said on the floor.

On motion of Senator Lamontagne, the Senate voted to adopt the amendment recommended by the Special Committee to Revise the Journal.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bill and Joint Resolution**

The following entitled bill and captioned joint resolution were read a third time, and passed.

SB 38, An Act relating to probate courts.

HJR 5, Joint Resolution for special appropriation for vocational rehabilitation.

### Resolution

The President recognized Senator Cleveland, District No. 7, who offered the following resolution, and apologized for not having offered same during the morning session.

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following question of law:

“Do the provisions of Senate Bill No. 80, An Act relating to the expiration of void mortgages, as amended, violate the Constitution of New Hampshire insofar as the provisions thereof apply to mortgages heretofore recorded?”

The President recognized Senator Cleveland, District No. 7:

“Mr. President, the purpose of this resolution is to find out from the supreme court if SB 80 will be constitutional.”

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

The President recognized Senator Lamontagne, District No. 1:

“Mr. President, at this time, I would move that the members of the Senate give a rising vote of thanks for the beautiful flowers which were given to us and to the attaches by Senator Caron, District No. 17, and Senator O'Brien, District No. 2.”

On a standing vote, the above motion was unanimously adopted.

Senator DeLude, District No. 8, offered the following resolution:

As a novice I realize I'm quite out of line  
In suggesting that possible we're far behind times  
With the furious pace of this day living  
Senatorial taking, Senatorial giving.

The Chamber's superb, the desks most antique  
But this poses a problem for us that's unique  
Far be it from me to denounce the decor  
But I'm tired of hoisting statistics galore.

I'm tired of lugging reports of commissions  
We've committed a sin but it's one of omission

The budget, the maps and the endless materia  
Have gotten me down to a point of hysteria.

Our number is small and we've much work to do  
I submit that perhaps it is wise to review  
Our facilities — lack of — with eye toward improvement  
I announce that today I am starting a movement

To have and to hold for our members abused  
Some lockers — dear sir I will not be refused  
A committee I pray you do choose and select  
To toil and to moil to correct this defect.

On a *viva voce* vote, the affirmative prevailed, and the above resolution was adopted.

Pursuant to the above, the President appointed as members of such committee:

Senator DeLude, District No. 8, Senator Caron, District No. 17, Senator Holmes, District No. 12, Senator Horner, District No. 3, and Senator Humphreys, District No. 24, Hodgdon, District No. 4, and Paquette, District No. 13.

### Communication

March 15, 1957

The Honorable Eralsey C. Ferguson  
President of the Senate  
State House  
Concord, New Hampshire  
DEAR MR. PRESIDENT:

I am transmitting herewith copies of my proposed capital budget for the biennium ending June 30, 1959.

According to the customary procedure the draft legislation which would implement these proposals are being sent to the Speaker of the House for introduction to that body, but thinking that your Finance Committee might desire to consider them in the near future, I am supplying you with sufficient copies of the detailed proposals for their use.

Sincerely yours,

LANE DWINELL

On motion of Senator Humphreys, District No. 24, the Senate adjourned until next Tuesday morning at 11:00 o'clock.

TUESDAY, MARCH 19, 1957

The Senate met at 11:00 o'clock.

### **Request for Leave of Absence**

Senator Humphreys, District No. 24, requested leave of absence for the day on account of illness. This request was granted by the President.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As guests of Senator Adams, District No. 22, his wife, Mrs. Betty Adams, and friends, Mr. and Mrs. William Hocking of Derry.

As guests of Senator Rhodes, District No. 10, his wife, Mrs. Margaret Rhodes, and son, Allen, of Walpole.

As guests of Senator O'Brien, District No. 2, a group of Pembroke elementary Grade Four students in charge of Miss Margaret Guilmette.

### **Introduction, First and Second Reading of Senate Bills**

SB 102, An Act relative to final disposition of cases involving delinquent children. Senator DeLude. Referred to the Committee on Judiciary.

SB 103, An Act relative to increasing the borrowing capacity of school districts. Senators Holmes and Merrill. Referred to the Joint Committee on Judiciary and Education.

SB 104, An Act to amend the charter of the City of Nashua relating to defining the boundaries of the wards. Senator Pacquette. Referred to the Committee on Judiciary.

SB 105, An Act relating to motor vehicles carrying property for hire. Senator Cleveland. Referred to the Committee on Transportation.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 4, An Act relative to preparation of checklists at meetings in the school district of Newport and in other school districts.

HB 28, An Act relative to the removal of so-called log skidways adjacent to highways.

HB 170, An Act relative to the filing of declarations of candidacy.

HB 206, An Act relative to the Littleton Savings Bank.

HB 225, An Act relative to the interstate compact on juveniles.

HB 226, An Act relative to town appropriations for band concerts.

HB 227, An Act changing the name of Bog Pond in the town of Andover to Blackwater Pond.

HB 256, An Act relative to advertising by motels, cabins and motor courts.

HB 361, An Act providing for an additional appropriation for expenses of the legislature.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 24, An Act concerning investments by savings banks in mortgages of improvements on land subject to a United States Forest Service permit.

### **Introduction, First and Second Reading of House Bills**

HB 4, An Act relative to preparation of checklists at meetings in the school district of Newport and in other school districts. Referred to the Committee on Ways and Means.

HB 28, An Act relative to the removal of so-called log skidways adjacent to highways. Referred to the Committee on Transportation.

HB 170, An Act relative to the filing of declaration of candidacy. Referred to the Committee on Ways and Means.

HB 206, An Act relative to the Littleton Savings Bank. Referred to the Committee on Banks and Insurance.

HB 225, An Act relative to the interstate compact on juveniles. Referred to the Committee on Judiciary.

HB 226, An Act relative to town appropriations for band concerts. Referred to the Committee on Ways and Means.



HB 227, An Act changing the name of Bog Pond in the town of Andover to Blackwater Pond. Referred to the Committee on Resources, Recreation and Development.

HB 256, An Act relative to advertising by motels, cabins and motor courts. Referred to the Committee on Resources, Recreation and Development.

HB 361, An Act providing for an additional appropriation for expenses of the legislature. Referred to the Committee on Finance.

On motion of Senator Merrill, District No. 23, the order whereby the above entitled bill was referred to the Committee on Finance was vacated, the rules of the Senate were suspended, and the bill was placed on its third reading and final passage at the present time.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 193, An Act relating to committal to jail for the non-payment of taxes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, all this bill does is to raise from 50c a day to \$1.50 a day the amount of money that a prisoner receives while working at the County Farm, toward the payment for which he has been committed for non-payment."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 210, An Act relative to chattel mortgages and conditional sales contracts.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

“Mr. President, this bill was introduced in the House and it required that before reporting a chattel mortgage or conditional sales contract the mortgage or the contract had to have the name and postoffice address of the mortgagor or the buyer. No one appeared in favor of the bill. Several members of the banking industry appeared in opposition. It was felt that making this a requirement might render several void and it was felt that this was not in the best interest of loaning money.”

The President requested Senator Anderson, District No. 9, to assume the Chair.

(Senator Anderson in the Chair)

The presiding officer recognized Senator Ferguson, District No. 14, who spoke briefly in favor of the bill, and against the recommendation of the committee, Inexpedient to Legislate.

(The President assumed the Chair)

The President recognized Senator Cleveland, District No. 7:

“Mr. President, I am interested in what the Senator from District No. 14 had to say, and would have been glad to have heard it at the committee hearing. The committee felt that there must have been some good reason for the bill, but we held two hearings on the bill and heard no word from the sponsor. The committee felt that this was not sound legislation. However, this additional information might be of importance to the Judiciary Committee. I would move that this bill be laid upon the table.”

(Discussion ensued)

Senator Cleveland withdrew his motion to lay the above entitled bill upon the table.

On motion of Senator Cleveland, the above entitled bill with the accompanying report was re-committed to the Committee on Judiciary for further consideration.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 82, An Act relative to salaries of the justice and special justice of Nashua municipal court.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this bill provides for increases in the salaries of the justice and the special justice of the Nashua municipal court. The salary of the justice is increased from \$3,000 to \$4,000 and the salary of the special justice is increased from \$1,700 to \$2,500. We had quite a little bit of discussion on this. It seemed to the committee and to me that these amounts were not unreasonable. There was some question as to the increase of the special justice. The justice takes care of the work for two weeks and the special justice for one week. However, this matter will go to the Nashua delegation in the House for consideration, and they will take the matter up further. It was felt that this was not far enough from right to justify an amendment on our part, and therefore, our committee would recommend that the bill ought to pass."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 61, An Act relative to transfer of unclaimed ticket money from horse racing into general funds.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by adding at the end of Section 1, Provided, however, that all pari mutuel pool tickets issued during the racing season of 1954 may be redeemed if presented to the commission on or before the first Monday in December of 1957, so that said section shall read as follows:

1. *Receipts from Horse Racing.* Amend RSA 284:31 by striking out the words "three" in the ninth line and inserting in place thereof the word, two, so that said section as amended shall read as follows: 284:31 *Unclaimed Ticket Money.* On or before the first Monday in December of each year, every

person, association, or corporation conducting a race or race meet hereunder, shall pay to the state treasurer all moneys collected during the year for pari mutuel pool tickets which have not been redeemed. The books or records which clearly show the tickets entitled to reimbursement in any given race shall be forwarded to the commission. Said moneys shall be retained by the state treasurer and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of two years, any such moneys still in the custody of the state treasurer shall become a part of the general funds of the state. Provided, however, that all pari mutuel pool tickets issued during the racing season of 1954 may be redeemed if presented to the commission on or before the first Monday in December of 1957.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, under the provisions of the present law, unclaimed ticket money must be retained for three years. The experience of the commission has been that almost no tickets are presented for that third year and so they propose to reduce this period from three years to two years. As I recall it, \$17,000 would be turned over to the State Treasurer at once. The amendment takes care of the 1954 season. After the first Monday of December, 1957, ticket money will be retained for only two years."

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 68, An Act in relation to Union Trust Company.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, The Union Trust Company was a banking institution doing business in Concord until the consolidation of the savings department of that institution with another bank to form the Concord Savings Bank. In addition to being a savings bank, it also dealt in investments and at the time of

the merger of the two savings banks, it was desired to continue the business of investments which was to do with other funds of the Union Trust Company. This bill continues the Union Company as an investment corporation and, in effect, puts it under the control of the banks law of the State of New Hampshire. It was suggested in the House that the name be amended to the Union Investment Company. This bill creates the Concord Investment Company as a business corporation."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 104, An Act relative to the evasion of tolls and charges on use of highways and bridges.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, it has been found that slugs in large quantities were being used in the evasion of tolls and charges on the highways and bridges. In fact, we are told that they had a machine at the Portsmouth Navy Yard which turned out slugs which could be used at toll gates. This simply remedies an omission in the law which now provides that if any person should fail to pay the toll, etc., he shall be deemed guilty of a misdemeanor."

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills, Senate bills and House joint resolution:

HB 70, An Act relative to penalty for illegal practice of chiropractic.

HB 79, An Act relative to examinations and fees in the practice of optometry.

SB 18, An Act relative to motor vehicles or trailers transporting pulpwood.

SB 24, An Act concerning investments by savings banks

in mortgages of improvements on land subject to a United States Forest Service permit.

HJR 5, Joint Resolution for special appropriation for vocational rehabilitation.

IDA M. HORNER,  
*For the Committee.*

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 61, An Act relative to transfer of unclaimed ticket money from horse racing into general funds.

SB 82, An Act relative to salaries of the justice and special justice of Nashua municipal court.

HB 68, An Act in relation to Union Trust Company.

HB 104, An Act relative to the evasion of tolls and charges on use of highways and bridges.

HB 193, An Act relating to committal to jail for the non-payment of taxes.

On motion of Senator Lamontagne, District No. 1, the Senate adjourned.

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WEDNESDAY, MARCH 20, 1957

The Senate met at 11:00 o'clock.

#### **Leave of Absence**

Senator Humphreys, District No. 24, requested leave of absence for the day on account of illness. This request was granted by the Chair.

#### **Introduction of Guests**

The President welcomed to the floor of the Senate as the guest of Senator Packard, District No. 16, and Senator Caron, District No. 17, Joseph D. Cronin, a student at Manchester

Central High School in Manchester, and the son of the efficient Doorkeeper of the Senate, Daniel Cronin.

The President also welcomed to the floor of the Senate, as the guest of Senator Holmes, District No. 12, former member of the Senate and House, Honorable Erwin E. Cummings of Lyndeborough.

The President also welcomed to the floor of the Senate, as the guest of Senator Paquette, District No. 13, Leonard Sweeney of Nashua, President of the Bar Association.

The President welcomed to the gallery of the Senate, as guests of Senator Anderson, District No. 9, the members of the two classes at the Rundlett Junior High School Annex in Concord.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 84, An Act relative to definition of employer, claims for benefits and increase in benefits, under the workmen's compensation law.

HB 211, An Act providing for a deputy commissioner of education.

HB 277, An Act relative to the government of town and school meetings.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 12, An Act relating to permitting domestic insurance companies' investments to be held in the name of a nominee.

### **Introduction, First and Second Reading of House Bills**

HB 84, An Act relative to definition of employer, claims for benefits and increase in benefits, under the workmen's compensation law. Referred to the Committee on Labor.

HB 211, An Act providing for a deputy commissioner of education. Referred to the Committee on Education.

HB 277, An Act relative to the government of town and school meetings. Referred to the Committee on Ways and Means.

### Committee Reports

Senator Caron, for the Committee on Finance, to whom was referred:

HB 66, An Act relating to the salary of the deputy register of probate for Carroll County.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Merrill, District No. 23:

"Mr. President, this bill, which originated in the House, increases the salary of the register deputy of probate in Carroll County from \$1,200 to \$1,800 minimum, maximum \$2,280, annual increment of \$120 per year. This is in line with the salary of deputy registers of probate in other counties. There was no opposition. Senator Hodgdon, District No. 4, appeared in favor of the bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rhodes, for the Committee on Judiciary, to whom was referred:

SB 88, An Act relative to decrees and certificates of adoption.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, this is one of two bills that came into the Judiciary Committee. The general purpose of the two bills is to have adoption proceedings made more confidential. The other bill is being held up in committee for a few days. All this bill does is, when the probate court writes an adoption certificate they only have to put down the new name of the adopted child and the number of the probate court docket. They do not put down the former name of the child. The welfare department and people interested in adopting children feel that these proceedings should be kept as confidential as



possible and shrouded in secrecy for the protection of the child."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Lamontagne, for the Committee on Claims, to whom was referred:

HJR 12, Joint Resolution relating to the town of Gilsum.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following: That the sum of seven hundred and forty-five dollars (\$745) is hereby appropriated to reimburse the town of Gilsum for the judgment assessed against said town and legal fees and costs incurred in defense thereof. The sum hereby appropriated shall be a charge upon the highway funds.

The report was accepted.

The President recognized Senator English, District No. 11:

"Mr. President, it was felt to be a proper claim against the highway department funds rather than against the general funds and that is the reason for the amendment. The highway department did some repairs in the town of Gilsum and some damage resulted to the town in the matter of drainage. Had this happened at a later date, it would automatically have been a charge against the highway department."

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 173, An Act relative to apportionment of expenses for forest fires.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

"Mr. President, at the present time, the state of New Hampshire (that is, the Recreation and Forestry Commission)

shares in the cost to towns for forest fires about 50% except in the case where there has been negligence on the part of a town officer in the kindling of fires. Section 224:27 of the law pertains to the unlawful kindling of a fire. The reason for adding this is that in some cases in the past few years where the selectmen have failed to collect for a fire that had been illegally kindled, they have turned to the state and collected 50% and the state has been unable to come back. In this case, if there is a fire in the town which has been kindled without a permit and the town fails to collect from the person responsible for the fire, the state refuses to pay its share. There was no opposition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 174, An Act providing for the classification of Dalton Brook and Messer Brook watersheds.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

"Mr. President, this is one of two bills which continues the policy of the state's effort to re-classify and purify streams. This particular bill deals with Dalton Brook and Messer Brook which are tributaries to the Merrimack River. Local hearings were held by the Water Pollution Commission and there was no opposition to the re-classification. There was no opposition in the committee public hearing yesterday to re-classify these streams. If this becomes law, people will have to make changes, but they will have two years in which to do this. The cost will be approximately \$5,000 to be borne by the person responsible for the changes."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 175, An Act providing for the classification of Ossipee and Little Ossipee River watersheds.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

“Mr. President, this is practically the same story as in the previous bill. The area to be re-classified is considerably larger than in the previous bill. There was a local hearing held in the area and there was no opposition. There was no opposition to the bill at the committee hearing yesterday. The estimated cost of making the changes necessary to re-classify would be about \$2,000, which would be taken up by the people making the necessary changes.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

“Mr. President, over the last few years there has been an alarming increase in the cutting of Christmas trees by persons other than the owners. Particularly, in the case of skiing parties, tourists, etc., cutting Christmas trees just anywhere regardless of who might own the property. This bill would require that when these people are stopped on the highway, they must furnish a bill of sale if the trees were purchased, or note if the trees have been given. This would be applicable and covered by this law. This bill provides for the levying of a fine of not more than \$50.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

The President recognized Senator Rainie, District No. 15, who moved that the Senate re-consider its vote whereby HB 210, An Act relative to chattel mortgages and conditional sales contracts, was re-committed to the Committee on Judiciary.

(Discussion ensued)

Senators Rainie and Cleveland spoke in favor of the motion.

Senator Lamontagne spoke against the motion.

Senator Rainie then withdrew his motion for re-consideration on the above entitled bill.

Senator Packard, District No. 16, offered the following Concurrent Resolution:

### **Concurrent Resolution**

*Resolved* by the Senate and the House of Representatives concurring:

*That* the members of the General Court during their term of office shall be furnished a courtesy pass by the Commissioner of Public Works to travel on or over all toll roads and bridges within the State of New Hampshire, Be it further

*Resolved*, That a courtesy pass to all state recreational facilities within the State be furnished to said members by the Director of the Department of Recreation.

Senator Packard moved that reference to committee be dispensed with, and that action be taken on the Concurrent Resolution at the present time.

(Discussion ensued)

Senator Packard spoke in favor of the motion.

Senator Cleveland spoke against the motion.

On a *viva voce* vote, the negative prevailed, and the motion was not adopted.

The President announced that he would refer the matter to the Committee on Finance.

Senator Merrill, District No. 23, moved that the order whereby the above Concurrent Resolution was referred to the Committee on Finance be vacated, and that the resolution be referred to the Committee on Ways and Means.

On a *viva voce* vote, the negative prevailed, and the motion to vacate was lost.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### Afternoon Session

#### Third Reading of Bills and Joint Resolution

The following entitled bills and captioned joint resolution were read a third time, and passed:

SB 88, An Act relative to decrees and certificates of adoption.

HB 66, An Act relating to the salary of the deputy register of probate in Carroll County.

HB 173, An Act relative to apportionment of expenses for forest fires.

HB 174, An Act providing for the classification of Dalton Brook and Messer Brook watersheds.

HB 175, An Act providing for the classification of Ossipee and Little Ossipee River watersheds.

HB 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways.

HJR 12, Joint Resolution relating to the town of Gilsum.

Senator Rhodes, District No. 10, wished to be recorded as having voted in opposition to the passage of HB 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways.

Senator Adams, District No. 22, moved that the order whereby SB 85, An Act providing for the classification of Beaver Brook watersheds, and SB 86, An Act relating to the construction and financing of a sewerage system and sewage disposal plant for the town of Derry, were referred to the Committee on Labor be vacated, and that the two above entitled bills be referred to the Committee on Resources, Recreation and Development.

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

### Announcements

The Chair made the following announcement:

“The Chair calls the attention of the Senators to the fact that there is a little mix-up in our procedure, due to the fact that on the first day of the session, so far as the Chair understood, the Senate adopted the same rules as the 1955 session. The House did not adopt the Joint Rules and they were not

adopted by both branches of the General Court until last Friday. Any bills introduced up to last Friday were introduced under section 12 of the Joint Rules, which puts the time limit on the introduction of bills as the third Tuesday in January. Your Rules Committee had ruled that any bills introduced after the deadline were to be understood to be introduced with the consent of the Rules Committee. The Rules Committee had an informal meeting last week and wish to inform the Senate that they have made a rule that no bills may be introduced into the Senate except by permission of the Rules Committee, or by suspension of the rules of the Senate, after five o'clock Tuesday evening, April 2nd. I wish to emphasize that the Rules Committee does not take an arbitrary stand. Usually this committee takes the liberal view and allows the introduction of important bills."

The Chair also further announced:

"I would also like to call the attention of the Senate to the fact that we are running slightly behind in our work, at the rate of two bills being introduced and one bill being disposed of. The Chair would respectfully suggest and urge all Committee Chairmen to expedite the action on the bills in their possession as speedily as possible. As we approach the end of the session, the work load becomes heavier, and sometimes the bills are not given as serious attention as they are at the present."

The President recognized Senator English:

"Mr. President, on behalf of the Committee to Revise the Journal, I wish to express regret that the printers have been a little bit thrown by the changes. However, I believe steps have been taken to correct this, and I am sorry if this has caused anyone inconvenience."

On motion of Senator O'Brien, the Senate adjourned.

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THURSDAY, MARCH 21, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator Humphreys, District No. 24, requested leave of absence for the day on account of illness. This request was granted by the Chair.

### Introduction of Guests

The President welcomed the following guests to the floor of the Senate:

As the guests of Senator Holmes, District No. 12, Mrs. Helen Barker of Nashua, the National Committee-woman of the American Legion Auxiliary, and Mrs. W. A. Saunders, the wife of the Representative from Ward 1, Nashua.

Mr. James F. McGrath, the Selectman of Pittsfield, who was the guest of the Senator from the 14th District.

The bride of Senator English, District No. 11, who was escorted to the rostrum by Senators Cleveland and Lamontagne, at the request of the President.

### Introduction, First and Second Reading of Senate Bills

SB 106, An Act relative to the salary of the sheriff of Strafford County. Senator Karkavelas. Referred to Committee on Finance.

SB 107, An Act relative to a special account for use by the fish and game director. Senator O'Brien. Referred to Committee on Fisheries and Game.

SB 108, An Act relative to the terms of office of the Mayor of Manchester. Senator Provost. Referred to the Committee on Judiciary.

### Committee Reports

Senator Merrill, for the Committee on Education, to whom was referred:

HB 36, An Act relating to payment of tuition by certain school districts.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

"Mr. President, this bill provides that when tuition costs are figured, the cost of transportation is not included in the computation of tuition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Merrill, for the Committee on Education, to whom was referred:

HB 139, An Act relating to tuition of elementary and high schools.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

“Mr. President, this bill does the same for elementary school tuition as HB 36 does for high school tuition.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Merrill, for the Committee on Education, to whom was referred:

HB 245, An Act to authorize the school district of Pelham to exceed its limit of bonded indebtedness.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out the whole of section 1 and inserting in place thereof the following: 1. *Authorization.* The school district of Pelham is hereby authorized and empowered at a regular or special meeting duly called for the purpose to raise and appropriate a sum not exceeding \$139,926 for the construction of a new school building, including furnishings and equipment, and to incur indebtedness not exceeding the aforesaid amount for said purposes by the issuance of bonds or serial notes. The debt limit aforesaid is hereby authorized despite the provisions of any existing law or statute, provided, however, that if the debt limitation provided in RSA 33:4 is increased then said school district is authorized and empowered to incur indebtedness for the purpose aforesaid within the limits prescribed in RSA 33:4 as increased and in all other respects the issuance and repayment of any bonds or serial notes shall be in accordance with the provisions of RSA 33.

The report was accepted.

The President recognized Senator Holmes, District No. 13:

“Mr. President, the bill came into the House with a larger amount, but was amended in the House to the figure of \$139,926, which is within the 4½%. The Senate committee



further amended the bill by adding the clause in the final sentence of the bill.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Holmes, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage by title only, at the present time.

Senator Caron, for the Committee on Finance, to whom was referred:

HB 73, An Act relative to transfer of permanent policemen who are present members of the state employees' retirement system to the policemen's retirement system.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Merrill, District No. 23:

“Mr. President, for the benefit of the members of the Senate, this bill provides that some 25 permanent policemen presently in the state employees' retirement system may transfer to the policemen's retirement system. The reason for this is that these some 25 individuals do not qualify for OASI as we call it. Therefore, their retirement would be cut down very considerably if they stayed in the retirement of the state. This will take care of a problem of these policemen which will give them a much larger retirement at their proper age. It does not involve any appropriation of state money.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rhodes, for the Committee on Judiciary, to whom was referred:

HB 200, An Act relating to acknowledgments.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland:

“Mr. President, this bill and the next two bills that I will discuss all have the same familiarities. By reading the title of

the bill, you would have no idea of the intent of the bill. The actual title of the bill should be 'making uniform the authorization of acknowledgments.' An authority of acknowledgment is a certificate of the clerk of the superior court as known to him and known to be a justice of the peace or a notary. This is all that this bill does."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rhodes, for the Committee on Judiciary, to whom was referred:

HB 202, An Act relating to enforcement of support.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this is an act which should be entitled 'relating to clearing up certain discrepancies in the uniform support act.' It does two things: one, if, in the process of receiving under the uniform support act, the papers were sent from this state to another, and if the respondent is not in that county, but is in the next county, the authorities have the right to transfer these papers over to the next county. This could not be done as the law is now. Second, in some of the states the question was raised, if there had been a divorce decree other than in the court of that state, and that state had set forth obligations, the respondent court felt that it did not have the authority to change that decree. This gives the court the authority to change the decree of support, even though it may have been in another state."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rhodes, for the Committee on Judiciary, to whom was referred:

HB 220, An Act relative to trustee process.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, the title of this act is completely misleading. What this act does is to make uniform the homestead

exemption. Several years ago, this was raised from \$500 to \$1,500. Chapter 512, section 21, sub-paragraph 8 (RSA) provides for an exemption from trustee process of monies due as a result of a fire insurance policy. It is provided that only so much will be exempt, where the building destroyed is a homestead, as will together with the remaining value of the homestead equal five hundred dollars. Since the homestead value has been raised to fifteen hundred dollars by chapter 480 (RSA) this section of the statutes should be amended to correspond with the homestead law."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rhodes, for the Committee on Fisheries and Game, to whom was referred:

SB 54, An Act relative to dogs at large.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rhodes, District No. 10:

"Mr. President, all this bill does is to allow the hunting of wild cat and bear with dogs during the months of April and May. Representatives of the Fish and Game Commission and of the Federated Sportsmen's Clubs appeared in favor. There was no opposition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Caron, for the Committee on Finance, to whom was referred:

HB 74, An Act relative to acceptance of the provisions of the policemen's retirement system.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Merrill, District No. 23:

"Mr. President, at the time this retirement plan was set up, it was limited to officers up to the age of thirty-five and made no provision for officers who were older. This

would amend the bill for accepting men over the age of thirty-five and the cost to them would be on a sliding scale, depending on age. The system is set up on a sound basis. This category of public servant is not eligible for old age assistance. There is no appropriation and no one appeared in opposition to it."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Engrossed Bills, to whom was referred:

SB 29, An Act amending section 1, chapter 126 of the Laws of 1878 incorporating the Conference of Baptist Ministers in New Hampshire, by changing its name and altering its purposes.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An act changing the name and altering the purposes of the Conference of Baptist Ministers in New Hampshire.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this is purely a technical amendment and has to do only with the title."

On motion of Senator Rainie, the amendment was adopted.

Senator Horner, for the Committee on Engrossed Bills, to whom was referred:

HB 68, An Act in relation to Union Trust Company.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out the word "section" where it occurs at the beginning of sections 1, 2 and 3 of said bill.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this amendment is purely technical."

On motion of Senator Rainie, the amendment was adopted.

Senator Horner, for the Committee on Engrossed Bills, to whom was referred:

HB 160, An Act relative to reimbursement of municipalities for forest fire expense.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the words "provisions herein" in the tenth line the words, from any money in the treasury not otherwise appropriated.

The report was accepted.

On motion of Senator Rainie, the amendment was adopted.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

HB 66, An Act relating to the salary of the deputy register of probate for Carroll County.

HB 173, An Act relative to apportionment of expenses for forest fires.

HB 174, An Act providing for the classification of Dalton Brook and Messer Brook watersheds.

HB 175, An Act providing for the classification of Ossipee and Little Ossipee River watersheds.

HB 104, An Act relative to the evasion of tolls and charges on use of highways and bridges.

HB 193, An Act relating to committal to jail for the non-payment of taxes.

HB 361, An Act providing for an additional appropriation for expenses of the legislature.

SB 12, An Act relating to permitting domestic insurance companies' investments to be held in the name of a nominee.

NELLE L. HOLMES,  
*For the Committee.*

### **Bill Recalled from the Governor**

On motion of Senator Adams, the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration, HB 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways.

### **Bill Returned from the Governor**

On motion of Senator Adams, the rules of the Senate were so far suspended as to allow a re-consideration of the vote on the above entitled bill.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the above entitled bill passed.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the above entitled bill was ordered to a third reading.

On further motion of the same Senator, the above entitled bill was re-committed to the Committee on Resources, Recreation and Development for further study.

### **Concurrent Resolution**

Senator Lamontagne, District No. 1, offered the following resolution:

*Whereas*, the United States of America has become the greatest power in the history of mankind because it is a united nation of equal and sovereign states and not an empire; and

*Whereas*, the people of the United States devised a method and program of incorporating territories, which method, as a first step leading to the full privilege of statehood, imposes on the people of such territories the obligations of the citizens of the several states, while withholding from such territorial citizens, however, the basic rights of self government and full representation in the councils of the United States; and

*Whereas*, Alaska and Hawaii have been incorporated as territories of the United States for many years, and by the very act of such incorporation as United States Territories have been promised the full privileges of statehood with first class citizenship for the peoples of Alaska and Hawaii, and

*Whereas*, both political parties have recognized that every consideration of fairness demands that the people of these territories be given the full privileges of American citizenship in their platforms and other policy declaration, and

*Whereas*, the granting of statehood to these territories will strengthen the United States immeasurably in human resources and in its foreign relations particularly as regards the great Pacific Basin Area, and now therefore be it

*Resolved by this Senate and the House of Representatives concurring:*

*That* Alaska and Hawaii be admitted to the Union in this year 1957, and be it further

*Resolved*, That a copy of this resolution be sent to our Congressional Delegation and that each of them be requested to make every effort to see that bills to grant statehood to Alaska and Hawaii be promptly considered and passed.

On motion of the same Senator, consideration of the above resolution was made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 54, An Act relative to dogs at large.

HB 36, An Act relating to payment of tuition by certain school districts.

HB 73, An Act relative to transfer of permanent policemen who are present members of the state employees' retirement system to the policemen's retirement system.

HB 74, An Act relative to acceptance of the provisions of the policemen's retirement system.

HB 139, An Act relating to tuition of elementary and high schools.

HB 200, An Act relating to acknowledgments.

HB 202, An Act relating to enforcement of support.

HB 220, An Act relative to trustee process.

On motion of Senator Horner, the Senate adjourned until next Tuesday morning at 11:00 o'clock.

TUESDAY, MARCH 26, 1957

The Senate met at 11:00 o'clock.

### Leave of Absence

Senator Merrill, District No. 23, requested leave of absence for the day on account of illness. This request was granted by the Chair.

### Introduction of Guests

The President welcomed the following guests to the floor of the Senate:

As guests of Senator Bennett, District No. 5, his wife, Mrs. Jean Bennett, of Bristol, and Mrs. George Wells of Sutton.

As guests of Senator Anderson, District No. 9, the students of the Parker School of Concord.

As the guests of Senator Adams, District No. 22, Mrs. Charles Phelps Smith of Deerfield, and Mr. James Sproul of Dennis, Mass.

The President welcomed to the gallery of the Senate the Republican Ladies of Strafford County who were visiting the State House in conjunction with "Legislative Day" for that county.

### Introduction, First and Second Reading of Senate Bills

SB 109, An Act relative to hearings before the personnel commission. Introduced by Senator Cleveland. Referred to the Committee on Ways and Means.

SB 110, An Act relative to reports of fire insurance companies to the board of fire control. Introduced by Senator Anderson. Referred to the Committee on Banks and Insurance.

SB 111, An Act relative to liability for the use of high explosives. Introduced by Senator Caron. Referred to the Committee on Ways and Means.

### House Message

The following message was received from the House of Representatives, by its Clerk.

*Mr. President:*

The House of Representatives have passed the following



entitled bills and captioned joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 85, An Act relating to the committal of juveniles and transfer of cash bail.

HB 86, An Act relative to unemployment compensation for certain employees of the state and of political subdivisions and instrumentalities thereof.

HB 162, An Act relating to absentee voting.

HB 235, An Act providing penalty for false bomb scares.

HJR 22, Joint Resolution in favor of Howard Cass.

HJR 23, Joint Resolution in favor of Harry L. Hurlbert.

HJR 30, Joint Resolution in favor of the New Hampshire Veterans' Association.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 245, An Act to authorize the school district of Pelham to exceed its limit of bonded indebtedness.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate: SB 62, An Act relative to the issuance of licenses for the sale of liquor in restaurants.

Amend RSA 178:3-a as inserted by section 1 of the bill by inserting after the word "town" in the third line the words, if such restaurant also holds a permit provided under RSA 181:4, so that said section as amended shall read as follows:

178:3-a. *Licenses for Restaurants.* The commission may issue a license to any first class restaurant in any town, if such restaurant also holds a permit provided under RSA 181:4, which shall entitle the licensee to sell liquor by the glass and fortified wines by the bottle, if the cork is drawn, with meals in the restaurant; said liquor and/or fortified wines to be consumed with meals in the approved dining rooms of said restaurant only. The determination of what is a first class restaurant is to be within the discretion of the commission. Licenses shall be granted only to such restaurants as the commission at their discretion shall approve and then only to such

restaurants as can show the commission on forms and under regulations prescribed by the commission that at least sixty per cent of the gross sales shall fall within the category of food. Annually thereafter or as may seem necessary the commission shall review each license and/or each application for renewal on the conditions stated in this section. No license shall be granted to any restaurant under the provisions of this section in any town or city that has voted to prohibit the sale of alcoholic beverages within its confines.

Amend RSA 178:3-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

178:3-a. *Licenses for Restaurants.* The commission may issue a license to any first class restaurant in any town, if such restaurant also holds a permit provided under RSA 181:4, which shall entitle the licensee to sell liquor by the glass and fortified wines by the bottle, if the cork is drawn, with meals at tables only in the restaurant; said liquor and/or fortified wines to be consumed with meals at tables only in the approved dining rooms of said restaurant. Minimum charge for said meals shall be not less than one dollar each. The determination of what is a first class restaurant is to be within the discretion of the commission. Licenses shall be granted only to such restaurants as the commission at its discretion shall approve and then only to such restaurants as can show the commission on forms and under regulations prescribed by the commission that at least sixty per cent of the gross sales shall fall within the category of food. Annually thereafter or as may seem necessary the commission shall review each license and/or each application for renewal on the conditions stated in this section. No license shall be granted to any restaurant under the provisions of this section in any town or city that has voted to prohibit the sale of alcoholic beverages within its confines.

On motion of Senator Karkavelas, District No. 21, the Senate voted to concur in the adoption of the amendments to the above entitled bill.

**Introduction, First and Second Reading of House Bills and  
House Joint Resolutions**

HB 85, An Act relating to the committal of juveniles and transfer of cash bail.

Referred to the Committee on Judiciary.

HB 86, An Act relative to unemployment compensation for certain employees of the state and of political subdivisions and instrumentalities thereof.

Referred to the Committee on Labor.

HB 162, An Act relating to absentee voting.

Referred to the Committee on Ways and Means.

HB 235, An Act providing penalty for false bomb scares.

Referred to the Committee on Ways and Means.

HJR 22, Joint Resolution in favor of Howard Cass.

Referred to the Committee on Claims.

HJR 23, Joint Resolution in favor of Harry L. Hurlbert.

Referred to the Committee on Claims.

HJR 30, Joint Resolution in favor of the New Hampshire Veterans' Association.

Referred to the Committee on Finance.

**Bill Recalled from the Governor**

On motion of Senator Bennett, the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration HB 173, An Act relative to apportionment of expenses for forest fires.

**Bill Returned from the Governor**

On motion of Senator Bennett, the rules of the Senate were so far suspended as to allow a reconsideration of the vote on the above entitled bill.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the above entitled bill passed.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the above entitled bill was ordered to a third reading.

On further motion of the same Senator, the above en-

titled bill was recommitted to the Committee on Resources, Recreation and Development.

### Committee Reports

Senator Rogers, for the Committee on Banks and Insurance, to whom was referred:

SB 70, An Act relative to investments by domestic life insurance companies.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, I have been requested by the Chairman of the Committee to give a synopsis of this bill. It deals with the main problem of enlarging the field for investments of life insurance companies. There are only two life insurance companies in the state; the United Life & Accident Insurance Company and the Christian Life Insurance Company. The President and the Counsel appeared before the committee and explained the bill. It broadens the field for their investments. All these provisions are dependent upon the earning history of the body whose securities are being purchased. It would also provide for the purchase of revenue bonds issued by a municipally operated public utility. Life insurance companies may make loans jointly, that is, with savings banks, etc. Previously, provided that not more than 5% of their assets permitted to be invested. This bill increases the limitation to 10%. All of these provisions are subject to the approval of the Insurance Commissioner. This seems to be a reasonable extension of investments for life insurance companies."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rogers, for the Committee on Banks and Insurance, to whom was referred:

HB 80, An Act relative to reporting of fires to the state fire marshal.

The report was accepted.

Having considered the same, reported the same without amendment, and recommended its passage.

The President recognized Senator Anderson:

“Mr. President, this bill, I believe, is of momentous importance. The committee did a lot of investigating to find out just what reference it had to Banks and Insurance. What it does — at the present time, it is necessary that a report of a fire be made to the state fire marshal if the damage is over \$50. Under this bill, the report does not have to be made unless the damage is over \$100.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rogers, for the Committee on Banks and Insurance, to whom was referred:

HB 206, An Act relative to the Littleton Savings Bank.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Anderson:

“Mr. President, this bill is quite interesting. It amends the Laws of 1868. Upon looking it up, in the Secretary of State's office, there were no session laws there. Mrs. Jenkins finally dug up this big book, blew the dust off, and found this chapter to be written out in longhand, of which I have had a photostatic copy made. It might be interesting to the Senate to know what the original chapter says. At that time, all the officers and directors of the bank had to be elected by ballot. The President and the Treasurer had to be under bond. The original law also stated that the President and Treasurer should serve without salary of any kind. This bill amends the law by striking out that part about election by ballot, and changes the amount of bond covering the President and the Treasurer. Also provides that these provisions shall be in accord with the Bank Commissioner.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rogers, for the Committee on Banks and Insurance, to whom was referred:

SB 31, An Act providing that temporary loans may be made for a period not exceeding one year.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Strike out all after the enacting clause and insert in the place thereof the following: 1. *Municipal Finance*. Amend RSA 33 by inserting after section 7 the following new section: 33:7-a. *Temporary Loans*. If a city votes to issue bonds or notes in accordance with this chapter, the officers authorized to issue the same, may in the name of such city, make a temporary loan for a period of not more than one year in anticipation of the money to be derived from the sale of such bonds or notes and may issue notes therefor, but the time within which final payment of such securities shall be made shall not be extended by reason of the making of such temporary loan beyond the time fixed in the vote authorizing the issue of such bonds or notes and notes issued hereunder may be refunded by the issue of other notes maturing within one year, provided that annual payments on any such notes shall be made in accordance with RSA 33:2 and further provided that no notes shall be refunded under this section except under authority of such vote, if any, as is required for the original borrowing.

2. *Takes Effect*. This act shall take effect sixty days after its passage.

The report was accepted.

The President recognized Senator Rogers, District No. 6:

"Mr. President, the amendment was printed in the Journal of Wednesday, March 20. This bill, as amended, will allow any city to make temporary loans for short periods not exceeding one year, in anticipation of the money which otherwise would be derived from the sale of bonds. In some instances, cities may find that the money markets are unfavorable and this amendment to the municipal finance act will permit cities to do what is being done to considerable advantage in other states, such as Massachusetts and New York. It will allow them to make short term loans and postpone the issuing of bonds until the interest rate is more favorable. The amendment has been approved by the Secretary of the Tax Commission. It meets all the objections he raised on the original bill.

Senator Karkavelas, District No. 21, spoke in favor of the bill, stating that "the City Council (in Dover) has voted to act favorably on this bill. It will save them much time."

Senator Bennett inquired of Senator Rogers as to why the

words "town" and "school district" had been taken out.

Senator Rogers replied that they had been included in the original bill, and the Tax Commission has objected. It was therefore at the request of the Tax Commission that these words were taken out.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rogers, for the Committee on Banks and Insurance, to whom was referred:

SB 59, An Act relative to borrowing by cities and towns.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Strike out all after the enacting clause and insert in place thereof the following: 1. *Municipal Finance*. Amend paragraph I of RSA 33:7 by striking out the first sentence thereof and inserting in place thereof the following sentence: Cities and towns may incur debt in anticipation of the taxes of the financial year in which the debt is incurred, in order to pay current maintenance and operation expenses, and may issue notes therefor to an aggregate principal amount not exceeding the total tax levy during the preceding financial year, provided that after the tax levy of the current year has been determined any city or town may borrow an amount not exceeding in the aggregate the total tax levy of the city or town for the current financial year, so that said paragraph as amended shall read as follows: I. *Cities and Towns*. Cities and towns may incur debt in anticipation of the taxes of the financial year in which the debt is incurred, in order to pay current maintenance and operation expenses, and may issue notes therefor to an aggregate principal amount not exceeding the total tax levy during the preceding financial year, provided that after the tax levy of the current year has been determined any city or town may borrow an amount not exceeding in the aggregate the total tax levy of the city or town for the current financial year. In order to meet necessary expenses which may arise during the period from the beginning of the financial year to the date of the annual town meeting, the treasurer of any town, with the approval of the selectmen, may issue notes, without a vote

of the town therefor, to an aggregate principal amount not exceeding fifteen per cent of the total receipts from taxes during the preceding financial year.

2. *Repeal.* RSA 33:13 relative to treasurer's certificate, is hereby repealed.

3. *Takes Effect.* This act shall take effect as of January 1, 1958.

The report was accepted.

The President recognized Senator Rogers, District No. 6:

"Mr. President, this amendment was also printed in the Journal of March 20, and likewise meets minor objections raised by the Tax Commission at the public hearing. The purpose of this bill as amended is to allow cities and towns who are now permitted to borrow in anticipation of taxes, to base the amount or the limitation of those loans in the first instance on the amount of the total tax levy of the previous year. As the law now reads, it is not to exceed the tax limitation of the current year. It is largely a technical change. It was suggested by certain firms who handle the finances or the legal work of one or more cities in New Hampshire on the basis that the amount of the tax levy is not definitely known until well along in the financial or fiscal year. These firms like to have a specific limitation."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Special Order of Business

It now being 11:01 o'clock, Senator Lamontagne, District No. 1, called for the Special Order of Business, it being consideration of the Concurrent Resolution relative to the admission of Alaska and Hawaii to the Union.

Senator Lamontagne spoke in favor of the above Concurrent Resolution, and moved its adoption.

Senator Rogers spoke against the adoption of the above resolution and stated that he would vote against its passage as he believes it is beyond the scope of this body to do. He stated that information is available to the members of Congress that is not available to this body. Stated that he has no further objection to the resolution except that it seems to



him that resolutions of this kind are better left to our members of Congress in Washington.

Senator Rainie spoke against adoption of the above Concurrent Resolution, stating that he endorsed what the Senator from District No. 6 has said. Stated that he was quite concerned about this, but felt that the affairs and the interests and the desires of a territory like Hawaii being many, many miles away under conditions that do not exist here in the United States, with a variety of people making up the population, could not possibly have the same viewpoints or thoughts as we do here in the United States. Stated that he believed even our relationship with Porto Rico has been harmful to the United States. Stated that he felt that it is unwise, as he sees it, to adopt this resolution.

Senator English, District No. 11, endorsed the views expressed by the above named Senators, and stated that he did not feel that this resolution should be considered here, but should be left to the members of Congress.

Senator Holmes, District No. 12, endorsed the remarks made by Senator Rogers above.

On motion of Senator Lamontagne, District No. 1, the Senate voted that consideration of the above Concurrent Resolution be made a Special Order of Business for tomorrow morning at 11:01 o'clock.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 31, An Act providing that temporary loans may be made for a period not exceeding one year.

SB 59, An Act relative to borrowing by cities and towns.

SB 70, An Act relative to investments by domestic life insurance companies.

HB 80, An Act relative to reporting of fires to the state fire marshal.

HB 206, An Act relative to the Littleton Savings Bank.

On motion of Senator Hodgdon, District No. 4, the Senate adjourned.

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WEDNESDAY, MARCH 27, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator Merrill, District No. 23, requested leave of absence for the balance of the week, due to illness. This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed to the Senate, Miss Linda McSwiney, a student at Colby Junior College, and the daughter of the Adjutant General of the State, Brigadier General McSwiney, who was the guest of the entire Senate.

Also, Mr. Clarence W. Merrill of Salem, New Hampshire, who was the guest of Senator Adams, District No. 22.

### **. Introduction, First and Second Reading of Senate Bills**

SB 112, An Act legalizing action taken at the town meeting held in the town of Derry in March, 1957. Introduced by Senator Adams.

Referred to the Committee on Resources, Recreation and Development.

SB 113, An Act providing for town advisory committee. Introduced by Senator Bennett.

Referred to the Committee on Judiciary.

### **House Message**

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 96, An Act relating to the Pembroke Street Village District.

HB 121, An Act relating to municipal water works.

HB 184, An Act relative to the taking of pheasants.

HB 270, An Act modifying the New Hampshire Teachers' Retirement System and integrating its benefits with Federal Old Age and Survivors' Insurance benefits.

HB 274, An Act relative to powers and duties of arborists.

HB 352, An Act legalizing the proceedings of the town meeting held in Atkinson, March 12, 1957.

HB 353, An Act legalizing the annual town meeting held in the town of Lyndeborough, March 12, 1957.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following House joint resolution:

HJR 12, Joint Resolution relating to the town of Gilsum.

#### **Introduction, First and Second Reading of House Bills**

HB 96, An Act relating to the Pembroke Street Village District.

HB 121, An Act relating to municipal water works.

HB 352, An Act legalizing the proceedings of the town meeting held in Atkinson, March 12, 1957.

HB 353, An Act legalizing the annual town meeting held in the town of Lyndeborough, March 12, 1957.

Referred to the Committee on Ways and Means.

HB 184, An Act relative to the taking of pheasants.

Referred to the Committee on Fisheries and Game.

HB 274, An Act relative to powers and duties of arborists.

Referred to the Committee on Resources, Recreation and Development.

HB 270, An Act modifying the New Hampshire Teachers' Retirement System and integrating its benefits with Federal Old Age and Survivors' Insurance benefits.

Referred to the Joint Committee on Finance and Education.

On motion of Senator Holmes, District No. 12, the Senate voted to vacate the order whereby the above entitled bill was

referred to the Joint Committee on Finance and Education, and the bill was referred to the Committee on Finance.

### Committee Reports

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 99, An Act changing the title of overseer of the poor to overseer of public welfare.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, this bill does what its title says it does. No opposition at the hearing. It was felt that the job of overseer of the poor was no longer the sole duty of this office and the overseer does handle many other welfare matters. Therefore, it was felt that the change in the title was a good one."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 105, An Act relative to write in votes at the primary elections, and nominations thereunder.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, this bill attempted by legislation to make it impossible to run for incompatible office on the tickets of different parties. Under the present law, you cannot run for incompatible office on the ticket of the same party, but you can do it on different tickets. The Judiciary Committee was informed there was no great need of the bill, as this particular angle had only come up once before. It was felt that this was not good legislation and was not needed."

The President recognized Senator Rainie, who spoke against the resolution of the Committee, Inexpedient to Legislate. "Mr. President, I had something to do with the legislation that is now on the books and which appears in Chapter 103 of the Laws of 1955. That legislation, which I believe is good, came about through a complaint. I believe that this would be good legislation to enact this law. I think it is demoralizing to have a man run for two offices which are incompatible. It makes no difference whether these two are within the limit of one party or extend over into two party line. This question must be decided, whether it is good or whether it is bad. I believe that the position of this bill should be determined on a different basis. It is nothing to have a big fight over, but I do not agree with the decision of the committee. I believe this bill is good legislation."

The President recognized Senator Lamontagne, District No. 1:

"Mr. President, I would like to say this. As a member of the committee, I am very much in agreement with the committee report. I think this is a spite bill, aimed only at one individual. I am still against this bill. I had prepared an amendment to introduce this morning, but believing it might hurt someone, I have decided not to introduce the amendment."

Senator Rainie:

"I want to assure the Senator from District No. 1 and anybody else, that I had nothing whatever to do with this legislation that is now proposed. My sole purpose in speaking about it is that I believe fundamentally it is good legislation, and the mere fact that it might have been aimed at one person should not enter into it. If it is spite legislation so-called, it seems as if we should rise above that and pass the bill. We are making a mistake in turning it down."

Question being on the adoption of the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote, the affirmative prevailed, and the resolution of the committee was adopted.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 104, An Act to amend the charter of the City of Nashua relating to defining the boundaries of the wards.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

"Mr. President, before these proposed changes can become effective, the bill will go to the House where it will be referred to the Nashua delegation and must also go for referendum."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Lamontagne, for the Committee on Transportation, to whom was referred HB 47, An Act relating to clearance of bridges.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Packard, District No. 16:

"Mr. President, this is a very simple bill. It only changes the clearance of bridges from 21 feet to 22 feet. One person, a member of the P. U. C. appeared at the hearing. It is legislation to make uniform throughout the United States the matter of clearance of bridges. There was no opposition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Lamontagne, for the Committee on Transportation, to whom was referred:

SB 21, An Act relative to the registration of motor vehicles by manufacturers or dealers.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out the same and inserting in place thereof the following: 1. *Registration by Manufacturers or Dealers.* Amend RSA 260:45 by striking out said section and inserting in place thereof the following: 260:45 *Application.* A manufacturer or dealer may make application to the commissioner, upon blanks furnished by him for that purpose, for a general distinguishing number for his motor

vehicles, trailers, semi-trailers, and tractors. Every application under this section shall contain the words, "This application is signed under penalty of perjury." The commissioner may require the applicant for registration hereunder to appear for examination and to produce for inspection pertinent books, records and contracts, to enable him to determine the accuracy of the facts set forth in the application, either for initial registration or renewal thereof. The commissioner may deny the application of any manufacturer or dealer for registration, and suspend or revoke a registration or refuse to issue a renewal thereof if he determines that such applicant or registrant has made any material false statement in his application.

2. *Additional Plates.* Amend RSA 260:67 by striking out the words "one more set" in the last line thereof, and inserting in place thereof the words, additional sets, so that said section as amended shall read as follows: 260:67 *Number Plates.* The commissioner shall furnish a repairman one set of number plates and in his discretion may issue additional sets.

3. *Service-Connected Use of Plates.* Amend RSA 260:68 by striking out said section and inserting in place thereof the following: 260:68 *Use of Plates.* A repairman shall not loan number plates which have been assigned to him under the provisions hereof. He shall not loan or rent a motor vehicle to which such number plates have been attached, except for service directly connected with his repair business.

4. *Registration Fees of Repair Men.* Amend RSA 262:1, paragraph XI, by striking out said paragraph and inserting in place thereof the following new section: XI For motor vehicles owned by or under the control of a repair man, as provided in sections 66 and 67 of Chapter 260 RSA, twenty-five dollars for the first set of plates and ten dollars for each additional set of plates.

5. *Takes Effect.* This act shall take effect as of July 1, 1957.

The report was accepted.

The President recognized Senator Packard, District No. 16:

“Mr. President, the amendment makes very little change. This amendment is offered as a result of the first hearing we had on the bill, and corrects the objections raised at that hearing. I introduced the bill at the request of the Commissioner of Motor Vehicles and also the Automobile Dealers Association. Basically, the legislation pertains to tightening up slightly the giving of dealer plates to dealers throughout the state. Under the present law, the Commissioner of Motor Vehicles does not have sufficient authority to control certain elements in the giving of the plates. There was some testimony that dealers throughout the state were misusing the plates. The automobile dealers desired this legislation. This amendment will remove the objection to the bill, I believe. The committee was unanimously in favor of it. It enlarges the scope of the repair dealer from two plates to an unlimited number of plates. This would take care of the situation where a person not being a dealer in the true sense, but would have cars to loan to people when their cars were being repaired. This is agreeable to Commissioner Clarke of the Motor Vehicle Department, and to the automobile dealers. The committee voted unanimously in favor of the amendment.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

SB 85, An Act providing for the classification of Beaver Brook watershed.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

“Mr. President, this is another stream classification bill. This time, we want to reclassify from class C to class B 1 the Beaver Brook watershed, and its tributaries in Derry, Windham and Pelham. There was an extended hearing held in Derry on this matter. There was no opposition registered to this reclassification of the watershed.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.



Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

SB 86, An Act relating to the construction and financing of a sewerage system and sewage disposal plant for the town of Derry.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

“Mr. President, this bill is a companion bill really to SB 85 above. What it does — it is permissive legislation which would enable the town of Derry to complete the work. The town has voted to borrow thirteen million dollars to complete this sewage project and this bill allows the town to circumvent the debt legislation. The selectman from the town of Derry was present and indicated that the town was in favor of it.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 227, An Act changing the name of Bog pond in the town of Andover to Blackwater pond.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett, District No. 5:

“Mr. President, this is a very important bill in the opinion of the committee because it is an opportunity to get rid of another bog pond in the state of New Hampshire, of which we have an abundance. The sponsor of the bill appeared before the committee and explained that this pond will now be adjacent to the new road at Potter Place and they desire this change and believe it to be a desirable one. There was no opposition.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

HB 36, An Act relating to payment of tuition by certain school districts.

HB 73, An Act relative to transfer of permanent policemen who are present members of the state employees' retirement system, to the policemen's retirement system.

HB 139, An Act relating to tuition of elementary and high schools.

HB 200, An Act relating to acknowledgments.

HB 202, An Act relating to enforcement of support.

HB 220, An Act relative to trustee process.

HB 245, An Act to authorize the school district of Pelham to exceed its limit of bonded indebtedness.

HB 74, An Act relative to acceptance of the provisions of the policemen's retirement system.

SB 62, An Act relating to the issuance of licenses for the sale of liquor in restaurants.

IDA M. HORNER

*For the Committee*

The report was accepted.

### **Special Order of Business**

It now being 11:01 o'clock, Senator Lamontagne, District No. 1, called for the Special Order. It being consideration of the Concurrent Resolution relative to the admission of Alaska and Hawaii to the Union.

The President recognized Senator Lamontagne, District No. 1:

"Mr. President, I would like to say this. Of course, I am prepared to say a few things about Alaska and Hawaii, but I believe my remarks would be more for Congress than for the Senate. I am in favor of this resolution. I introduced this resolution in the Senate at the request of two organizations. I do feel that at the present time, I should leave this to each individual member of the Senate, as to whether it has merit or not. Of course, if passed here, it will have to go to the House."

Question being on the adoption of the above Concurrent Resolution.

Senator English, District No. 11 spoke against the adoption of the Concurrent Resolution, and moved that the Concurrent Resolution be referred to the Committee on Claims.

Senator Rogers, District No. 6, inquired of the Chair if the above motion would require a two-thirds vote or a majority vote.

The President replied that a majority vote would be required.

Senator Packard, District No. 16, spoke against the motion to refer the Concurrent Resolution to the Committee on Claims.

Senator Rogers moved that the above Concurrent Resolution be laid upon the table.

On a *viva voce* vote, the Chair was in doubt.

Senator Rainie, District No. 15, requested a division.

Eleven Senators having voted in the affirmative, and eleven Senators having voted in the negative, the result was a tie vote.

The President announced that he would vote in the affirmative.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative prevailed; the motion was adopted, and the above Concurrent Resolution was laid upon the table.

On motion of Senator Caron, District No. 17, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 21, An Act relative to the registration of motor vehicles by manufacturers or dealers.

SB 85, An Act providing for the classification of Beaver Brook watershed.

SB 86, An Act relating to the construction and financing of a sewerage system and sewage disposal plant for the town of Derry.

SB 99, An Act changing the title of overseer of the poor to overseer of public welfare.

SB 104, An Act to amend the charter of the city of Nashua relating to defining the boundaries of the wards.

HB 47, An Act relating to clearance of bridges.

HB 227, An Act changing the name of Bog pond in the town of Andover to Blackwater pond.

### **Resolution**

Senator Karkavelas, District No. 21, offered the following resolution:

*Whereas*, Frederick C. Smalley, former Senator from the 21st District, is ill at his home in Dover,

*Resolved*, That we, the members of the Senate, hereby express our sympathy to Mr. Smalley in his illness and extend out best wishes for a speedy return to health, and be it further

*Resolved*, That a copy of this resolution be sent to him.

On motion of Senator Bennett, District No. 5, the Senate adjourned.

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THURSDAY, MARCH 28, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate the following guests:

Miss Jean Farley and Mr. Richard Downey of Nashua, who were the guests of Senator Paquette, District No. 13.

Also, Mr. Leonard Paquette, Instructor in Problems of Democracy Classes, of Nashua, who was also the guest of Senator Paquette.

### **Introduction, First and Second Reading of Senate Bills**

SB 114, An Act relative to Hooksett School District. Introduced by Senator Anderson.

Referred to the Committee on Ways and Means.

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires. Introduced by Senator English.

Referred to the Committee on Resources, Recreation and Development.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

SB 29, An Act amending section 1, chapter 126 of the Laws of 1878, incorporating the Conference of Baptist Ministers in New Hampshire, by changing its name and altering its purposes.

HB 68, An Act in relation of Union Trust Company.

HB 160, An Act relative to reimbursement of municipalities for forest fire expenses.

### Committee Reports

Senator Hodgdon, for the Committee on Finance, to whom was referred:

HB 270, An Act modifying the New Hampshire Teachers' Retirement System and integrating its benefits with Federal Old Age and Survivors' Insurance benefits.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

The report was accepted.

Amend the section numbered 101:18 as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

101:18. *Financing Retroactive Coverage.* The amounts payable by the state, or a political subdivision, into the contribution fund with respect to services performed in positions covered by the teachers' retirement system after December 31, 1955, and prior to July 1, 1957, are hereby made a charge upon any unexpended amounts provided by the state for the fiscal years beginning on July 1, 1956 and July 1, 1957 and any contributions payable for said period by any political subdivision, for the purposes of the teachers' retirement system. As soon as such amounts shall be ascertained, the state agency shall certify such amounts payable to the contribution fund to the trustees who shall cause said amounts to be paid into the

contribution fund. The amounts equal to the tax which would be imposed by section 3101 of the Federal Insurance Contribution Act with respect to said period of service shall be deducted from the respective individual accounts held for the members of the teachers' retirement system in the teacher annuity savings fund unless a teacher within 10 days after the date coverage is extended hereunder deposits an amount equal to such tax due on her account in the teachers' retirement system for payment to the contribution fund and each teacher who fails to make such deposit shall be deemed to consent and agree to the deduction from her account as a condition of her coverage hereunder.

Correct the figure "92:1" where it occurs in the second line of section 2 by striking out said figure and inserting in place thereof the following: 301, part II:2.

Question being on the adoption of the amendment offered by the Committee on Finance.

The President recognized Senator Hodgdon, District No. 4:

"Mr. President, the amendment proposed by the Finance Committee is printed on Pages 330 and 331 of yesterday's Journal. It is the same amendment which was rejected by the House on Tuesday. This amendment asks the teachers to pay one-half of the cost of the increased cost for the benefits at the time of integration. This is the same policy as adopted by the state employees at the time this was done for them two years ago. Six members of the committee were present yesterday and the chairman, who was ill, wrote that he was in favor of this amendment. Therefore, the vote of the Finance Committee was unanimous."

Question being on the adoption of the amendment offered by the Committee on Finance.

On this question, Senator Packard demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Caron, Provost, Daniel, Bergeron, Karkavelas, and Humphreys.

The following named Senators voted in the negative: Paquette, Packard, and Adams.

Nineteen Senators having voted in the affirmative, and three Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock. .

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to place the above entitled bill as amended on its third reading and final passage at the present time.

The bill was read a third time and final passage at the present time.

Senator Cleveland moved that the Senate reconsider its vote whereby it passed the above entitled bill.

On this motion, Senator Karkavelas demanded a roll call.

(Discussion ensued)

Senator Karkavelas again demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Packard and Adams.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Paquette, Rainie, Caron, Provost, Daniel, Bergeron, Karkavelas and Humphreys.

Three Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the motion to reconsider did not prevail.

The above entitled bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

### **Majority-Minority Committee Report**

Senators Rhodes, Paquette, and Lamontagne, for a Majority of the Committee on Judiciary, to whom was referred:

SB 81, An Act relative to salaries of city officials and employees.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

Senators Cleveland and Humphreys, for a Minority of the Committee on Judiciary, to whom was referred:

SB 81, An Act relative to salaries of city officials and employees.

Having considered the same, reported the same without amendment, and recommended its passage.

The reports were accepted.

Senator Cleveland moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate.

(Discussion ensued)

Senators Cleveland, Bennett, Humphreys, Rainie, Bergeron, DeLude, and Rogers spoke in favor of the motion to substitute.

Senators Lamontagne, Karkavelas, Paquette, and Packard spoke against the motion to substitute.

Senator Caron stated that she would like to be recorded as opposed to the entire bill.

(Senator English, District No. 11, Presiding)

Senator DeLude stated that she wished to serve notice if the motion to substitute prevails, she would then offer an amendment to correct the objection to the bill.

Senator Cleveland stated that if the above motion to substitute prevailed, he would be in support of the amendment to be proposed by Senator DeLude.

(The President in the Chair)

Senator Caron moved the previous question, which carried by an affirmative vote.

Question now being on the motion to substitute.

On this question, Senator Karkavelas demanded a roll call.

Senator Karkavelas withdrew his motion for a roll call, and requested a division.

Senator Caron demanded a roll call on the above question to substitute.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, Hodgdon, Bennett, Rogers, Cleveland, De Lude, English, Holmes, Rainie, Bergeron, Adams, and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Anderson, Rhodes, Paquette, Packard, Caron, Provost, Daniel, and Karkavelas.



Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion to substitute carried.

Senator DeLude offered the following amendment:

Amend section 1 of said bill by striking out in line 5 the words "judges and court personnel" and inserting in place thereof the words, court personnel except the justices and special justices, so that said section shall read as follows:

1. *City Officials and Employees.* Amend RSA 44 by inserting at the end of said chapter the following new subdivision: *Salaries of City Officials and Employees.* 44:16. *Fixed by Governing Body.* Salaries of all city officials and employees, including court personnel except the justices and special justices, shall be fixed in accordance with the provisions, if any, of the respective city charter; otherwise by the governing body of the city.

Question being on the adoption of the above amendment.

Senator Karkavelas spoke in favor of the amendment.

Senator Humphreys spoke in opposition to the amendment and stated that if the amendment was adopted, he would vote against the passage of the bill.

On the question of adoption of the above amendment, the Chair was in doubt and requested a division.

Thirteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Senator Paquette moved that the above entitled bill be indefinitely postponed, and asked for a division.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion to indefinitely postpone was lost.

Senator Caron moved that the above entitled bill be laid upon the table, and requested a division.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Humphreys requested a one minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator Lamontagne moved that further consideration of the above entitled bill be made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

Senator Cleveland spoke in opposition to the motion, stating that he could not be present at the session next Tuesday morning.

Senator Bergeron moved that further consideration be made a Special Order of Business for next Thursday morning at 11:01 o'clock.

Senator Humphreys spoke in opposition to the motion for the above entitled bill being made a Special Order of Business. Stated that he had re-considered his opposition to the passage of the bill as stated previously, and would now vote for the bill with the amendment.

On a *viva voce* vote, the negative prevailed, and the motion of Senator Bergeron was lost.

Question being on the motion of Senator Lamontagne.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator Paquette moved that the Senate adjourn until next Tuesday morning at 11:00 o'clock.

Above motion was seconded by Senator Caron.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator Bergeron moved that the above entitled bill be recommitted to the Committee on Judiciary.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question being, Shall the bill as amended be ordered to a third reading?

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Eleven Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed.

On the above motion, Senator Bergeron demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

Eleven Senators having voted in the affirmative, and eleven Senators having voted in the negative, a tie vote resulted.

The President announced that he would vote in the affirmative.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative prevailed, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Committee Reports (continued)

Senator O'Brien, for the Joint Committee on Finance and Military and Veterans' Affairs, to whom was referred:

HB 212, An Act relating to the construction of armories.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

The report was accepted.

Amend section 3 of said bill by striking out the word "governor" in line nine and inserting in place thereof the word, treasurer, so that said section as amended shall read as follows:

3. *Funds Authorized.* The treasurer is hereby authorized to borrow upon the credit of the state an amount not exceeding three hundred eighty thousand dollars (\$380,000) to provide the funds herein appropriated and for that purpose may issue bonds or notes, at such times, in such denominations, and with such rate of interest, dates of maturity and other provisions as the governor and council shall determine. Such bonds or notes shall be deemed a pledge of the faith and credit of the state and such bonds or notes shall be signed by the treasurer and countersigned by the governor. The proceeds from the sale of such notes or bonds shall be held by the treasurer, and paid out by him upon warrant drawn by the governor, with the advice and consent of the council for the purpose herein set forth alone. The secretary of state and the treasurer shall keep account of such bonds or notes in the same

manner as accounts are kept of other bonds or notes of this state.

The President recognized Senator O'Brien, District No. 2:

"Mr. President, this amendment only changes one line of the original bill. Originally it stated that borrowing upon the funds should be authorized by the Governor and paid out by him. This amendment changes it to read Treasurer in both cases."

Senator O'Brien spoke in favor of the adoption of the amendment, and also in favor of the passage of the bill as amended.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 93, An Act legalizing the school district meeting held in Hampton Falls on March 8, 1957.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this is one of those bills that are very familiar to all of us. A mere technicality corrected here — the notice was not posted in time. No opposition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 94, An Act relative to the Wolfeboro Village Fire Precinct.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this bill transfers all the powers and properties of the Wolfeboro Fire Precinct to the town of Wolfeboro. The precinct goes out of existence. Of course, this is

subject to the approval of the voters of the precinct and also to the voters of Wolfeboro."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 96, An Act correcting certain errors in the statute relative to municipal budget law.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, in the printing of the RSA two figures were misprinted in two instances (37 was incorrectly put down where it should have been 32) and this bill corrects this error."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 4, An Act relative to preparation of check lists at meetings in the school district of Newport and in other school districts.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this simply allows school districts to use the town check lists rather than to have a check list of their own, which saves expense and trouble. There was no opposition."

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 170, An Act relative to the filing of declarations of candidacy.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this act is calculated to remove or do away with a situation which has been troublesome for a long time. It has to do with the situation where people file the last day of filing. If candidates wish to file on that day, they must appear in person to file. They may send in their filing by mail, but it must be postmarked before that last day."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 241, An Act relating to wilful concealment of merchandise in stores.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this is a measure which would be a protection by the merchants, particularly the large chain stores. At the present time, they have to wait until people have gotten off the premises before they can stop them in the case of suspected theft. This bill provides that they may be confronted and apprehended while still on the premises if there is a suspicion that they may be concealing stolen goods. Of course, a store keeper must have almost absolute proof before accusation. Several New England states already have this protection."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 63, An Act relative to the trespass of domestic animals and damages to real property.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out sections 1 and 2.

Further amend said bill by striking out section 3, re-numbering the same to read section 1 and inserting in place

thereof the following: 1. *Damages to Property*. Amend RSA 572:11 by striking out said section and inserting in place thereof the following: RSA 572:11. *Trespassing Stock*. If any person having the charge or custody of any sheep, goats, cattle, horses, or swine shall wilfully or negligently suffer or permit the same to enter upon, pass over, or remain upon any improved or enclosed land of another without written permission of the owner, occupant, or his agent, and thereby injure his crops, or property, he shall be fined not more than ten dollars and he shall be liable for all damages done.

Further amend said bill by renumbering section 4 to read section 2.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 101, An Act exempting from yield tax trees cut for Christmas trees.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, it appeared to the committee that it would become somewhat burdensome to the Tax Commission to handle this, which would involve quite a bit of clerical work. The fee was not very substantial according to the feeling of the Tax Commission. On the other hand, there would be towns that would object to this. Also, it seemed to the committee that this was a start, or a break down, to the timber tax. It would be the first bite out of the timber tax. The committee was unanimously in favor of the resolution of inexpedient to legislate."

On a *viva voce* vote, the affirmative prevailed, and the resolution of the committee, inexpedient to legislate, was adopted.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 102, An Act relative to final disposition of cases involving delinquent children.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

“Mr. President, under the present rule, juvenile court or municipal court has to dispose of a juvenile case completely within 30 days. This bill says that it must, unless cause is otherwise shown. Sometimes the court lacks the complete information within that time as the juvenile may be referred to the state hospital for examination and some time may be needed to study the child. Under this bill the complete disposition of the case does not have to be within 30 days.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 210, An Act relative to chattel mortgages and conditional sales contracts.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland, District No. 7:

“Mr. President, the Senate members will remember that this is the second time we have had this reported, so I can see no useful purpose in discussing it further.”

On a *viva voce* vote, the resolution of the committee, inexpedient to legislate, was adopted.

Senator Bennett, for the Committee on Public Works, to whom was referred:

SB 63, An Act relative to reclassification of a road in Walpole.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.



The President recognized Senator Rogers, District No. 6:

"Mr. President, this bill relates to a road approximately one-half mile in length and includes a bridge across the Connecticut River. It is now a class V road. It has been brought out that a large part of the traffic over this road is interstate traffic and is likely to increase. There is a reconstruction project going on on the west side of the river which will be a state primary highway. It seemed entirely improper and inequitable to continue to burden the town of Walpole to continue the maintenance of this road. The committee felt that this road and bridge should be reclassified."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Bennett, for the Committee on Public Works, to whom was referred:

HB 90, An Act relative to class III recreational roads.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rogers, District No. 6:

"Mr. President, I move that this bill be recommitted to the Committee on Public Works. Only three members of the committee were present when this bill was considered. The Commissioner of Public Works and Highways appeared for a short time, but since the hearing and executive session on this bill, additional information has come into the hands of the committee and the committee feels that further consideration should be given this bill by the committee."

On a *viva voce* vote, the affirmative prevailed, the motion to recommit carried, and the bill was recommitted to the Committee on Public Works.

Senator Bennett, for the Committee on Public Works, to whom was referred:

HB 164, An Act changing classification of the so-called Frazer road.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rogers, District No. 6:

“Mr. President, this is a small section of highway now class II in the town of Monroe and the road is in need of reconstruction, but by reason of an agreement between the State Highway Department and the town, it is agreed that it should be reclassified as class V and it can then be reconstructed with TRA funds rather than on the basis of state reconstruction. The committee felt that the bill should pass without question. There was no opposition.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in its amendment to the following entitled bill:

HB 270, An Act modifying the New Hampshire Teachers' Retirement System and integrating its benefits with Federal Old-Age and Survivors' Insurance benefits.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 68, An Act in relation to Union Trust Company.

HB 160, An Act relative to reimbursement of municipalities for forest fire expense.

SB 29, An Act changing the name and altering the purposes of the Conference of Baptist Ministers in New Hampshire.

NELLE L. HOLMES,

*For the Committee.*

The report was accepted.

Senator Karkavelas introduced the following Concurrent Resolution, which was laid upon the table, to be taken up next Tuesday, April 2:

### Concurrent Resolution

*Whereas*, through federal grant in aid programs the federal government by extravagant and unnecessary spending

is forcing New Hampshire also to spend extravagantly to match and thus obtain back part of its own money, and

*Whereas*, New Hampshire citizens pay income taxes which go to Washington and are returned in part to New Hampshire under federal grant in aid programs in amounts reduced by bureaucratic overhead, creating the false impression that the state is getting something for nothing, and

*Whereas*, in returning funds to New Hampshire the federal government ties strings to the use of these funds which interfere with local government, complicates the enactment of state legislation and forces the state to spend in fields it believes unwarranted, and

*Whereas*, it is common knowledge that local projects financed in part by federal funds usually cost excessively because of unnecessary federal requirements, and

*Whereas*, the New Hampshire Legislature feels that its citizens know better than the federal government how to spend the citizens' money and that local governments is more capable and efficient than the federal government in managing local programs, now, therefore be it

*Resolved* by the members of the New Hampshire Legislature in the 1957 session assembled:

1. That the federal government refrain from enacting new grant aid programs and re-examine all such existing programs and end or reduce their costs wherever possible.

2. That copies of this resolution be transmitted to the President of the United States, Vice President of the United States as President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member from New Hampshire in the Senate of the United States and in the House of Representatives of the United States.

3. That copies of this resolution be transmitted to the presiding officers of the Legislature of the other forty-seven states for their information and consideration by the Clerks of the Senate and House of Representatives of the State of New Hampshire.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present

time, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 63, An Act relative to reclassification of a road in Walpole.

SB 93, An Act legalizing the school district meeting held in Hampton Falls on March 8, 1957.

SB 94, An Act relative to the Wolfeboro Village Fire Precinct.

SB 96, An Act correcting certain errors in the statute relative to municipal budget law.

SB 102, An Act relative to final disposition of cases involving delinquent children.

HB 4, An Act relative to preparation of check lists at meetings in the school district of Newport and in other school districts.

HB 63, An Act relative to the trespass of domestic animals and damages to real property.

HB 164, An Act changing classification of the so-called Frazer road.

HB 170, An Act relative to the filing of declarations of candidacy.

HB 212, An Act relating to the construction of armories.

HB 241, An Act relating to wilful concealment of merchandise in stores.

The following entitled bill was read a third time:

SB 81, An Act relative to salaries of city officials and employees.

On the question of final passage of the above entitled bill, Senator Lamontagne requested a division vote.

Senator Cleveland demanded a roll call on the final passage of the above entitled bill.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, English, Holmes, Rainie and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

Eleven Senators having voted in the affirmative, and eleven Senators having voted in the negative, the result was a tie vote.

The President stated he would vote in the affirmative.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative prevailed, and the above entitled bill passed.

Senator Rainie moved that the Senate reconsider its vote whereby it passed the above entitled bill, and requested a standing division vote.

Eleven Senators having voted in the affirmative, and eleven Senators having voted in the negative, the result was a tie vote.

The President announced that he would vote in the negative.

Eleven Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion to reconsider was lost.

Senator Humphreys moved that the Concurrent Resolution relative to the admission of Alaska and Hawaii be taken from the table and referred to the Committee on Elections.

On this motion, Senator Lamontagne requested a division vote.

Fourteen Senators having voted in the affirmative, the President ruled that the affirmative manifestly prevailed, the motion carried, and the Concurrent Resolution was referred to the Committee on Elections.

### **Announcement**

The President stated that he would remind the members of the Senate that the limit for introduction of bills was next Tuesday, April 2, at 5:00 o'clock. After that deadline, bills may only be introduced through the Rules Committee, or by suspension of the rules in the Senate.

On motion of Senator Cleveland, the Senate adjourned until next Tuesday morning at 11:00 o'clock.

TUESDAY, APRIL 2, 1957

The Senate met at 11:00 o'clock.

### **Request for Leave of Absence**

Senator Cleveland requested leave of absence for the day on account of important business. This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

Mr. R. P. Haynes of Jaffrey, who was the guest of Senator English.

Two firemen from Manchester, Messrs. Frank Colyn and Joseph Kane, who were the guests of Senator Caron.

The President welcomed to the gallery of the Senate eighteen members of the Canaan High School in charge of their teacher, Mrs. Annette Burns, who were the guests of Senator Bennett.

### **Introduction, First and Second Reading of Senate Bills and Senate Joint Resolutions**

SB 116, An Act relative to communications by prisoners. Introduced by Senator Cleveland.

Referred to the Committee on Public Health, Welfare and State Institutions.

SB 117, An Act relative to cemetery trust funds. Introduced by Senators Cleveland and DeLude.

Referred to the Committee on Judiciary.

SB 118, An Act legalizing the organization meeting for the co-operative school district in Hampton, Hampton Falls, North Hampton and Seabrook. Introduced by Senator Merrill.

Referred to the Committee on Ways and Means.

SB 119, An Act relative to exclusion of certain public utilities from filing provisions. Introduced by Senator O'Brien.  
Referred to the Committee on Judiciary.

SB 120, An Act relative to the definition of group life insurance. Introduced by Senator Rainie.

Referred to the Committee on Banks and Insurance.

SB 121, An Act authorizing municipalities to require the repair, closing or demolition of housing unfit for human habitation and to establish and enforce housing standards. Introduced by Senator Rainie.

Referred to the Committee on Judiciary.

SB 122, An Act authorizing administrators or executors, with the assent of heirs or devisees, to mortgage real estate. Introduced by Senator Rainie.

Referred to the Committee on Ways and Means.

SB 123, An Act prohibiting the trapping of beaver in Coos County for a limited period. Introduced by Senator Lamontagne.

Referred to the Committee on Fisheries and Game.

SB 124, An Act relating to bridges on the secondary system of highways. Introduced by Senator Rogers.

Referred to the Committee on Public Works.

SB 125, An Act relating to bridges on the class V system of highways. Introduced by Senator Rogers.

Referred to the Committee on Public Works.

SB 126, An Act pertaining to new positions and reclassification of positions in the classified service. Introduced by Senator Anderson.

Referred to the Committee on Finance.

SB 127, An Act relative to debt limit of Salem school district. Introduced by Senator Adams.

Referred to the Committee on Ways and Means.

SJR 5, Joint Resolution in favor of J. Wayne Ferns. Introduced by Senator Rainie.

Referred to the Committee on Finance.

SJR 6, Joint Resolution in favor of Charles F. Macey. Introduced by Senator Rainie.

Referred to the Committee on Finance.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following

entitled bills and captioned joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 2, An Act relative to the salary of the special justice of Portsmouth municipal court.

HB 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court.

HB 127, An Act relative to duties of tax commission in equalization of taxes.

HB 132, An Act establishing the militia.

HB 253, An Act relative to hunting accidents.

HB 287, An Act relative to meetings of the council of Portsmouth.

HJR 21, Joint Resolution relative to aerial geophysical survey of portions of the state.

### **Introduction, First and Second Reading of House Bills and Resolution**

The following entitled bills and resolution, received from the House of Representatives, were read a first and second time, and referred:

HB 2, An Act relative to the salary of the special justice of Portsmouth municipal court.

HB 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court.

HB 127, An Act relative to duties of tax commission in equalization of taxes.

HB 287, An Act relative to meetings of the council of Portsmouth.

To the Committee on Judiciary.

HB 253, An Act relative to hunting accidents.

To the Committee on Fisheries and Game.

HJR 21, Joint Resolution relative to aerial geophysical survey of portions of the state.

To the Committee on Finance.

HB 132, An Act establishing the militia.

To the Joint Committee of Military and Veterans' Affairs and Judiciary.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of



which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 83, An Act to authorize the school district of Stratham to exceed its limit of bonded indebtedness.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. *Stratham.* The school district of Stratham is hereby authorized and empowered at a regular meeting called for the purpose to raise and appropriate a sum not exceeding ninety-one thousand dollars for the construction of a new school building, including the acquisition of land, grading, the purchase of furniture and furnishings and equipment and to incur indebtedness not exceeding the above amount for said purpose by the issuance of bonds or serial notes under and by virtue of the provisions of RSA 33 as amended. The debt limit aforesaid is hereby authorized despite any of the provisions of any existing law or statute and shall include any debt presently outstanding; provided, however, that if the district shall so vote it may incur debt to the maximum amount allowed under RSA 33:4, now in force, or in the event such debt limitation is increased then to the amount of such increased debt limitation, and in all other respects the issuance and repayment of any bonds or serial notes shall be in accordance with the provisions of RSA 33.

On motion of Senator Humphreys, the Senate voted to concur in the adoption of the amendment to the above entitled bill sent up from the House of Representatives:

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 69, An Act relative to distribution of supreme court reports.

SB 32, An Act relative to out-of-state parolee supervision.

SB 33, An Act relative to supervision of reports of income by certain county and municipal officers.

### **Committee Reports**

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

SB 64, An Act relative to expenditures of state appropriations.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

"Mr. President, this bill changes from quarterly to monthly the reports that are sent to the Governor on the rate of spending from the departments. It used to be impossible to get this information to him any sooner than quarterly, but now with the acquisition of new IBM equipment, it will be possible to get it to him monthly."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 60, An Act relating to causes for divorce.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

"Mr. President, I think everyone is familiar with this bill. It reduces the waiting period in certain divorce cases from three years to two years. This same type of bill has been introduced in several past sessions. This year, it came in with recommendations of the Judicial Council."

Senator Caron, District No. 17:

"Mr. President, I would like to be recorded as being definitely opposed to the passage of this bill."

Senator Paquette, District No. 13:

"Mr. President, I did not vote on this in committee, I passed. But I also wish to be recorded as voting against the passage of this bill."

Senator Bergeron, District No. 20:

"Mr. President, I wish to be recorded as voting against this bill."

Senator Daniel, District No. 19:

"Mr. President, I wish to be recorded as voting against this bill."

Senator Packard, District No. 16:

"Mr. President, apparently there is a lot of objection to this bill according to the above requests made by several Senators. I do not have any objection to it."

Senator Packard moved that the above entitled bill with the accompanying report be laid upon the table.

On a *viva voce* vote, the Chair was in doubt and asked for a division.

Eight Senators having voted in the affirmative, and ten Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Rhodes, District No. 10:

"Mr. President, there is one other point that might be brought out about this bill. Very few states have as long a waiting period as does New Hampshire. Only three or four other states, in fact."

The President recognized Senator Rainie, District No. 15:

"Mr. President, after quite a lot of practice in the field of the law and having had some experience with divorce problems, I think that this bill is going to be of great help in many cases. In the case of a woman married to a drunkard, it seems ridiculous that she would have to wait three years before being able to divorce him, I believe this bill will be of help to people in this situation. At the present time, where the difficulty comes in this divorce business, has to do with divorces that have been granted immediately. Sometimes there is very grave doubt as to the truth of the circumstances. It is very difficult for a woman with a good husband to get a divorce unless she waits three years. I believe that the passage of this bill will be helpful in some cases."

Question being, Shall the bill be read a third time?

On this question, Senator Daniel requested a division.

Thirteen Senators having voted in the affirmative, the Chair ruled that the vote was manifestly in the affirmative, and the bill would be in order for a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Committee on Judiciary, to whom was referred:

HB 85, An Act relating to the committal of juveniles and transfer of cash bail.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

“Mr. President, this bill attempts to clarify two unrelated sections of our statutes. Section 1 of the bill removes a conflict now existing in RSA 169:21, the neglected and delinquent child act, and RSA 621:11, the chapter on the industrial school. This section if enacted would allow the superior court to commit juveniles to places other than the industrial school as provided in this section, and which is now in conflict with the provisions of the industrial school law. Section 2 provides for the transfer of cash bail from the municipal court to the superior court in appeal cases which is not now provided for in our statutes.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 79, An Act relative to employment of an extra court stenographer.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the President referred the above bill to the Committee on Finance, under the rules.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 92, An Act relative to certain transfers from the employees' retirement system to the firemen's retirement system.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

“Mr. President, it appears that there are about twenty-seven employees of towns who have missed out on the various manipulations of these retirement systems. This bill is calculated to take care of this situation and to put them on a par

with the general run of employees. Mr. Robert Jewell appeared before the committee and told the committee that it will cost the towns no extra money and will remedy a great injustice."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

SB 97, An Act relative to registers of deeds.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this is a simple bill which authorizes registers of deeds to hire clerks. It is meaningless, because the registers of deeds do have to hire clerks in order to do their work. The explanation for the bill is this—unless the state authorizes this employment, the employees of the registers of deeds do not come under the jurisdiction of the compensation law. This bill has the support of the various registers of deeds throughout the state and is in line with the state employees."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 147, An Act extending the period of application for copies of the Revised Statutes Annotated by members of the nineteen fifty-five session of the general court.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, it seems that there has not been the demand from members of the legislature of last session that had been expected for these copies of the RSA. They have so many on hand, they felt that if any member of the 1955 session wished them, they might have them even though the original time limit had passed."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude, for the Committee on Ways and Means, to whom was referred:

HB 180, An Act to change the name and amend the charter of St. Mary's School for Girls.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rainie, District No. 15:

"Mr. President, this bill has to do with changing the name of this school to St. Mary's School in the Mountains. It also increases the amount of property, etc. It has to do only with this school."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys, for the Joint Committee on Judiciary and Education, to whom was referred:

SB 103, An Act relative to increasing the borrowing capacity by school districts.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 3 of Senate Bill No. 103 by striking out the whole thereof and inserting in place thereof the following:

3. *Debt Limit.* Amend RSA 33:4-c (supp) as inserted by 1955, 329:2 by striking out the whole thereof and inserting in place thereof the following: 33-4-c. *Exceeding Debt Limit.* A school district or city may vote to issue bonds or notes for school purposes in excess of four (4) per cent but not in excess of six (6) per cent of its valuation determined under the provisions of sections 33:4-a and 33:4-b, and a certified copy of the record of such action shall forthwith be filed with the commissioner of education.

The report was accepted.

The President recognized Senator Holmes, District No. 12:

"Mr. President, this bill increases the borrowing capacity by school districts. It raises the limit which a school district may borrow on its own decision from 3 per cent to 4 per cent of its assessed valuation as equalized. Raises the limit which a

school district may borrow with permission of the Board of Investigation from 4½ per cent to 6 per cent of its assessed valuation as equalized. There was no opposition. The secretary of the Tax Commission appeared in favor. Also, the Commissioner of Education appeared in favor. School Boards Association sent letter of endorsement."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 4, An Act relative to preparation of check lists at meetings in the school district of Newport and in other school districts.

HB 47, An Act relating to clearance of bridges.

HB 80, An Act relative to reporting of fires to the state fire marshal.

HB 164, An Act changing classification of the so-called Frazer road.

HB 170, An Act relative to the filing of declarations of candidacy.

HB 227, An Act changing the name of Bog Pond in the town of Andover to Blackwater Pond.

HB 270, An Act modifying the New Hampshire Teachers' Retirement System and integrating its benefits with Federal Old-Age and Survivors' Insurance benefits.

SB 32, An Act relative to out-of-state parolee supervision.

SB 33, An Act relative to supervision of reports of income by certain county and municipal officers.

SB 69, An Act relative to distribution of supreme court reports.

HB 206, An Act relative to the Littleton Savings Bank.

HJR 12, Joint Resolution relating to the town of Gilsum.

PAUL DANIEL,  
*For the Committee.*

The report was accepted.

The President recognized Senator Karkavelas, who called for the consideration of the Concurrent Resolution introduced by him last Thursday, relative to unnecessary spending, and moved that the Concurrent Resolution be referred to the Committee on Judiciary, and spoke in favor of this motion.

On a *viva voce* vote, the affirmative prevailed, and the Concurrent Resolution was referred to the Committee on Judiciary.

### Resolution

Senator Packard offered the following resolution:

*Whereas* there is a question of the constitutionality of SB 81, An Act relative to salaries of city officials and employees, be it

*Resolved*, That a request for a decision by the Supreme Court be made on this SB 81.

Senator Packard spoke in favor of the resolution:

"Mr. President, the Chair will recall that after a very heated debate last week on this bill, I questioned the constitutionality of the bill and advised that I would request this bill to be sent to the supreme court. The bill has been voted not to reconsider. I have spoken to two attorneys who say this stand is right. The bill is in the hands of the House at the moment. I do not know the procedure to be worked out, but I still question whether this particular bill comes under the legality of the constitution and therefore I am asking that it be sent to the supreme court."

The President recognized Senator Rainie, District No. 15:

"Mr. President, we are just about to waste some time. This matter is no longer in our hands. We have considered and reconsidered it. There is nothing to send to the supreme court. Let's see what the House does with it."

The President recognized Senator Adams, District No. 22:

"Mr. President, I recognize the argument of the Senator from the 15th District that the Senate actually is no longer in possession of this bill. The general court is in possession of the bill and it is within the realm of possibility that the House may further amend the bill and send it back for concurrence. We need this information as to the constitutionality anyway, and I am in favor of the motion."



The President recognized Senator Caron, District No. 17:

“Mr. President, I agree with the Senator from the 16th District. Due to the fact that he served notice on the Chair last Thursday that he was going to question the legality of the bill, I am in favor of the motion.”

Question being on the motion of Senator Packard.

On this motion, Senator Rainie requested a division.

Seventeen Senators having voted in the affirmative, the Chair ruled that the vote was manifestly in the affirmative, and the resolution was adopted.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 64, An Act relative to expenditure of state appropriations.

SB 92, An Act relative to certain transfers from the employees' retirement system to the firemen's retirement system.

SB 97, An Act relative to registers of deeds.

SB 103, An Act relative to increasing the borrowing capacity by school districts.

HB 85, An Act relating to the committal of juveniles and transfer of cash bail.

HB 147, An Act extending the period of application for copies of the Revised Statutes Annotated by members of the nineteen fifty-five session of the general court.

HB 180, An Act to change the name and amend the charter of St. Mary's School for Girls.

HB 60, An Act relating to causes for divorce.

On the passage of the above entitled bill, HB 60, Senator Rogers requested a division vote.

Twelve Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the bill passed.

On motion of Senator Rogers, the Senate adjourned.

WEDNESDAY, APRIL 3, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the floor of the Senate:

Master James B. Smith, Jr., the son of the owner of Wentworth by-the-Sea, who was the guest of Senator Merrill.

Mr. Ivan W. Berquist of Boston, Mass., who was the guest of Senator Anderson.

Mr. Rafael Clemente Maluenda, a citizen of the great nation of Spain who is now working with our state department, who was the guest of the entire Senate.

### Introduction, First and Second Reading of Senate Bills

SB 128, An Act relative to investments of savings banks and loans by trust companies. Introduced by Senator Rainie.  
Referred to the Committee on Banks and Insurance.

SB 129, An Act relative to the federal aid highway act of 1956.  
Introduced by Senators Anderson and Humphreys.  
Referred to the Committee on Public Works.

SB 130, An Act relative to right of way for highway purposes through state hospital land. Introduced by Senator Cleveland.  
Referred to the Committee on Public Works.

### House Message

The following message was received from the House of Representatives, by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 50, An Act relating to pari-mutuel pools.

HB 330, An Act relative to balloting for town manager.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendment to the following entitled bills:

HB 63, An Act relative to the trespass of domestic animals and damage to real property.

HB 212, An Act relating to the construction of state armories.

### **Introduction, First and Second Reading of House Bills**

The following entitled bills, received from the House of Representatives, were read a first and second time, and referred:

HB 50, An Act relating to pari-mutuel pools.

To the Committee on Ways and Means.

HB 330, An Act relative to balloting for town manager.

To the Committee on Ways and Means.

### **Committee Reports**

Senator Rhodes, for the Committee on Fisheries and Game, to whom was referred:

SB 76, An Act relative to taking pickerel through the ice from Umbagog Lake.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Rhodes:

“Mr. President, when this bill was originally passed, it was intended that only pickerel was to be caught from this lake. This bill straightens the matter out so that only pickerel can be taken from this lake.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Holmes, for the Committee on Education, to whom was referred:

HB 211, An Act providing for a deputy commissioner of education.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was referred to the Committee on Finance, under the rules.

Senator Lamontagne, for the Committee on Claims, to whom was referred:

SJR 2, Senate Joint Resolution in favor of Eleanor Marquis.

Having considered the same, reported the same with the following amendment, and recommended that the joint resolution, as amended, ought to pass.

Amend the joint resolution by striking out all after resolving clause and inserting in place thereof the following: The sum of one hundred dollars is hereby appropriated to reimburse Eleanor Marquis for medical and other expenses incurred as a result of an accident with a national guard vehicle which occurred June 22, 1954. The governor is hereby authorized to draw his warrants for the sum hereby appropriated out of any money in the treasury not otherwise appropriated and said payment of one hundred dollars shall be in full and complete settlement of said claim. The appropriation made by Laws 1955, chapter 378 in the amount of one hundred dollars to said Eleanor Marquis is hereby lapsed.

The report was accepted.

On motion of Senator English, the reading of the amendment was dispensed with.

The President recognized Senator English:

"Mr. President, this claim of Eleanor Marquis was presented at the session two years ago and the legislators awarded a claim of \$100. She and her lawyer refused to accept this amount and the claim was re-introduced this session under SJR 2. This claim occurred in connection with an accident with a national guard vehicle. The committee felt that she did indeed sustain injuries approximating \$100 or less. For that reason, the committee felt that the claim should be reduced from \$300 to \$100."

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Lamontagne, for the Committee on Claims, to whom was referred:

HJR 3, Joint Resolution in favor of Michael P. O'Donnell, Jr.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator English:

"Mr. President, Michael P. O'Donnell, Jr. is the son of

Michael P. O'Donnell who was a veteran of World War I. His father did not receive the bonus to which he was entitled. The time limit (which is until 1958) has not elapsed, so this son is payable properly. (The amount is \$100)."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Lamontagne, for the Committee on Claims, to whom was referred:

HJR 22, Joint Resolution in favor of Howard Cass.

Having considered the same, reported the same with the following amendment, and recommended that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following: The sum of seven hundred and fifty dollars is hereby appropriated to reimburse Howard L. Cass of Campton for damages sustained by him because of a loss sustained by said Howard L. Cass as a result of a highway department survey in connection with a highway. The sum hereby appropriated shall be a charge on the highway funds.

The report was accepted.

On motion of Senator English, the reading of the amendment was dispensed with.

The President recognized Senator English:

"Mr. President, the original bill provided for \$750. The House reduced it to \$500. The Claims Committee put it back to \$750. This is a land damage claim in connection with a land survey of the highway department. This was not opposed by the Highway Department and is payable from highway funds."

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Lamontagne, for the Committee on Claims, to whom was referred:

HJR 23, Joint Resolution in favor of Harry L. Hurlbert.

Having considered the same, reported the same without amendment, and recommended its passage.

The President recognized Senator English:

"Mr. President, he was employed by the Fish and Game

Department for many years. He was injured in the line of duty, but did not make claim at that time. The Fish and Game Department is in favor of paying this sum of money, but technically, they cannot pay it without this joint resolution being passed giving them the authorization to do so. It is simply a device for the payment of a claim of this type. The amount involved is \$626."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

SB 91, An Act relative to interstate compact on mental health.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The Chair stated that inasmuch as the above entitled bill does entail some expenditure of money by the State of New Hampshire, he would refer the bill to the Committee on Finance, under the rules.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

HB 144, An Act relative to the sale of drugs.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator DeLude:

"Mr. President, this bill is really a bill to bring our state laws up to the standard of federal laws. It provides that a doctor may prescribe verbally as well as by written prescription, to a drug store, which is now possible by federal law. It also adds the word 'misdemeanor.' The state pharmacist can go into drug stores and investigate or take away the license of a druggist for unethical practices. At the present time, the state has no authority to do this unless they have proof that a felony has been committed. This bill was supported by the Pharmaceutical Association and by the State Board. Since this is a House bill and was evidently printed before we adopted the Joint Rule whereby legislation passed becomes effective 60 days after the enactment, and this bill provides that it will

take effect upon its passage, I would offer the following amendment:

“Amend the bill by striking out the provisions of section 4 of the bill, and inserting in place therefor the following provisions of section 4 of the bill: This act shall take effect 60 days after its passage.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

HB 218, An Act relative to fees for funeral directors and embalmers.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator DeLude:

“Mr. President, it seems that we have had a great many bills raising fees, etc., and since this is the bill for the funeral directors, I hope it may be the end of them. It simply provides for an increase in the registration fee to be paid from \$5 to \$15. It also increases the commissioner's salary from \$5 to \$15 per diem. \$5 per day is hardly enough to cover their expenses in investigating. There was no opposition to the bill. At the hearing, the committee voted unanimously in favor of the passage of the bill.”

On a *viva voce* vote, the bill was ordered to a third reading in this afternoon at 2:00 o'clock.

Senator Rainie, for the Committee on Public Health, Welfare and State Institutions, to whom was referred:

SB 55, An Act relative to the practice of chiropody.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and substituting therefor the following:

1. *Practice of Chiropody.* Repeal RSA 315:8 and substitute therefor the following: 315:8. *Licenses.* The Board shall issue the certificate for a licensed chiropodist to whoever

passes a satisfactory examination, and thereupon he shall have legal authority to diagnose and to treat by medical, mechanical, electrical and surgical means, ailments of the human foot. Medical treatment shall exclude the parenteral administration of drugs, except for local anesthetics and local medicinal effect only but shall include the oral administration of narcotics, hypnotics, and vitamins. Surgical treatment shall be surgery performed on soft tissue of the foot not beyond the limits of the deep fascia except the removal of the exostoses of the toes. Said certificate shall not authorize the licensee to administer general anesthesia. Licenses shall not be issued for a period exceeding one year and shall be renewed as provided therein.

2. *Podiatry.* Insert after RSA 315:16, the following: 315:17. *Podiatry.* The provisions of this act shall apply also to the practice of podiatry.

3. *Takes Effect.* This act shall take effect sixty days after its passage.

The report was accepted.

On motion of Senator DeLude, the reading of the amendment was dispensed with.

The President recognized Senator DeLude:

"Mr. President, the original bill which was supported by the Chiropodist Association of New Hampshire, was very distasteful to the State Medical Board and Medical Associations of the State. However, the legislation that we now have on our books did not even enable the chiropodist to give an aspirin. The State Medical Board and the State Board of Health got together with the Chiropodist Association and this amended bill is the result of their joint endeavors and is acceptable to both groups. There was no opposition at the two hearings to the amended form of the bill."

On a *viva voce* vote, the amendment was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

SB 100, An Act relative to reforestation week and Arbor Day.



Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

The President recognized Senator Bennett:

"Mr. President, at the present time, reforestation week and Arbor Day are largely restricted by statute to the first week of May. Sometimes it is impossible to do this during the first week of May due to weather conditions. This bill extends the time as to when these events may be observed. There was no opposition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett:

"Mr. President, this is more or less a housekeeping bill for the Department of Forestry and Recreation. Several years ago, one of the employees of the department made a cruise to the great ponds of the state and islands as being the property of the state. In recent years, however, there have been many cases where persons have gone onto this property, built camps, etc. and the department is anxious to reassert its authority and restore these islands back to the department. That is the purpose of this bill. This morning, there was one Senator who felt that if this bill passed, it might in some way authorize the department to dispose of these islands. The forester has assured me that this is not the case. However, the committee would concur in the adoption of an amendment to this bill to take care of this."

Senator Bennett offered the following amendment:

Amend said bill by adding after section 1 the following new section:

2. *Application.* Nothing contained herein shall confer

authority in the Forestry and Recreation Commission to dispose of said islands by sale.

Further amend said bill by renumbering section 2 to read section 3.

(Discussion ensued)

Senator DeLude stated that she was in opposition to the amendment and to the bill as amended.

Senator Packard moved that the above entitled bill with accompanying report be recommitted to the Committee on Resources, Recreation and Development.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator Horner, for the Committee on Resources, Recreation and Development, to whom was referred:

HB 274, An Act relative to powers and duties of arborists.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

The President recognized Senator Bennett:

"Mr. President, at the present time, under a strict interpretation of the law, anyone who prunes in a forest for some other person should or would have to obtain a certificate or permit. This bill strikes out the word 'forest' therefore, they would not be required to conform to the law as an arborist. No opposition."

Senator Bennett offered the following amendment to the above entitled bill:

Amend section 2 by striking out the words, This act shall take effect upon its passage, and insert in place thereof the following: This act shall take effect 60 days after its passage.

On a *viva voce* vote, the amendment was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Hodgdon, for the Joint Committee of Agriculture and Public Health, Welfare and State Institutions, to whom was referred:

SB 8, An Act abolishing the provisions of law relative to milk control.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, at this time, I move that the Senate go into a Committee of the Whole. As all of the Senators realize, we have not only this committee report but also another committee report. The subject matter of both reports is milk control and whether or not the Senate is going to do anything about it. I would propose that we go into a Committee of the Whole and then while in the Committee of the Whole we could go through SB 52 also section by section and have a general discussion of the bill. After the discussion of this matter, the Committee of the Whole can then report back to the Senate. I think this would be a wise thing to do under the circumstances to have an open meeting of the Whole, and open to the press and anyone interested. I believe it is in the best interest of good legislation that we talk this over as a Committee of the Whole."

Senator Rainie:

"Mr. President, I am not going to seriously object to this matter, except to say that it is a waste of time. We have had this matter before us for three months. We have had three hearings on it, and much publicity in all the papers. I know how I am going to vote, and I believe that all the Senators know how they are going to vote. This is just a waste of time."

Senator Bennett:

"Mr. President, I am speaking in opposition to the motion of the Senator from District No. 7. I believe that we should talk about this milk question in open session."

Senator Rhodes spoke in opposition to the motion.

Senator Humphreys spoke in support of the motion.

Senator Adams spoke in support of the motion.

Senator Packard spoke in support of the motion, stating that he had not as yet made up his mind as to how he was going to vote.

Question being on the motion of Senator Cleveland that the Senate resolve itself into a Committee of the Whole.

On this question, Senator Rainie requested a division.

Thirteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion carried.

(The Senate in a Committee of the Whole)

The Senate in regular session.

Question being on the adoption of the resolution offered by the Joint Committee on Agriculture and Public Health, Welfare and State Institutions, that SB 8, An Act abolishing the provisions of law relative to milk control, that the bill is inexpedient to legislate.

Senator Adams:

"Mr. President, I move that the words ought to pass be substituted for the words inexpedient to legislate. I do this for the purpose of offering the amendment which we considered in the Committee of the Whole. If the words ought to pass are substituted for the words inexpedient to legislate, I will then offer this amendment and this amendment only and on this motion, I demand a roll call."

Amend the title of said bill by striking out the title and inserting in place thereof the following: An Act relative to producer direct sales.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following: 1. *Producer Sales.* Amend RSA 183 by inserting after section 7 the following new section: 183:7-a. *Producer Direct Sales.* Any producer who produces and sells direct to the consumer, milk produced on his own farm and who purchases no milk for resale shall not be subject to the price fixing powers of the board, provided however, that any producer who sells milk as herein provided shall be required to obtain a certificate from the State veterinarian that his herd is free of Bangs disease and tuberculosis and also shall have a license from the health officer in cities or selectmen of towns in which he makes deliveries if such license is required under RSA 184.

Senator Cleveland:

"Mr. President, I second the motion of Senator Adams."

Senator Hodgdon:

"Mr. President, I speak in opposition to the motion, in

view of what took place in the Committee of the Whole.”

Question being on the motion of Senator Adams to substitute.

On this question Senator Adams had demanded a roll call.  
The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Bennett, Cleveland, Packard, Provost, Daniel, Bergeron, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Rogers, DeLude, Anderson, Rhodes, English, Holmes, Paquette, Rainie, Caron, Karkavelas and Merrill.

Nine Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

Question being on the adoption of the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote, the resolution was adopted.

Senator Hodgdon, for the Joint Committee on Agriculture and Public Health, Welfare and State Institutions, to whom was referred:

SB 52, An Act relative to milk control.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

On a *viva voce* vote, the resolution was adopted.

Senator Rainie moved that the Senate re-consider its vote whereby it adopted the resolution, inexpedient to legislate, on SB 8, An Act abolishing the provisions of law relative to milk control.

On a *viva voce* vote, the negative prevailed, and the motion to reconsider was lost.

Senator Rainie moved that the Senate re-consider its vote whereby it adopted the resolution, inexpedient to legislate, on SB 52, An Act relative to milk control.

On a *viva voce* vote, the negative prevailed, and the motion to reconsider was lost.

### **Resolution**

Senator Lamontagne offered the following resolution: "I move that the committee reports in the Calendar of the Senate Journal be changed back to the form that was previously used. That is, that the time and place to appear first before the number and title of bill instead of underneath same."

The President stated that he would ask Senator Lamontagne to discuss this with the Committee to Revise the Journal and report back to the Senate tomorrow.

On motion of Senator Caron, the rules of the Senate were so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time, and when the Senate adjourns today, it be to meet tomorrow morning at 10:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 55, An Act relative to the practice of chiropody.

SB 76, An Act relative to taking pickerel through the ice from Umbagog Lake.

SB 100, An Act relative to reforestation week and Arbor Day.

SJR 2, Joint Resolution in favor of Eleanor Marquis.

HB 144, An Act relative to the sale of drugs.

HB 218, An Act relative to fees for funeral directors and embalmers.

HB 274, An Act relative to powers and duties of arborists.

HJR 3, Joint Resolution in favor of Michael P. O'Donnell, Jr.

HJR 22, Joint Resolution in favor of Howard Cass.

HJR 23, Joint Resolution in favor of Harry L. Hurlbert.

On motion of Senator DeLude, the Senate adjourned, to meet tomorrow morning at 10:00 o'clock.

THURSDAY, APRIL 4, 1957

The Senate met at 10:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate, Mrs. Robert English, the wife of Senator English.

### **Introduction, First and Second Reading of Senate Bills**

SB 131, An Act relating to Building & Loan Associations. Introduced by Senator Anderson.

Referred to the Committee on Ways and Means.

SB 132, An Act to authorize the state of New Hampshire to enter into a compact with the states of Maine and Vermont to establish a tri-state regional medical needs board. Introduced by Senator DeLude.

Referred to the Committee on Ways and Means.

SB 133, An Act relating to financial responsibility of motorists. Introduced by Senator Rogers.

Referred to the Committee on Transportation.

SB 134, An Act to legalize the proceedings of a special meeting of Goffstown to permit it to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt. Introduced by Senator Anderson.

Referred to the Committee on Judiciary.

### **Committee Reports**

HB 191, An Act to increase salaries of justices of the supreme and superior courts.

Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, I am sure that all the members of Senate understand this bill. It increases the salaries of the judges of the supreme and superior courts from \$12,000 to \$15,000, and adds \$500 for the chief justice in each court. As you know, the state has lost some very good men recently and the reason for this has been that the salary was not commensurate with the responsibility of the office. It was believed that they

should be given a salary more in keeping with the responsibility that they assume."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 173, An Act relative to apportionment of expenses for forest fires.

Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

The report was accepted.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Forest Fires.* Amend RSA 224:15 (supp) as amended by 1955, 311:1 by inserting after the word "caused" in the fifteenth line the word, either, and by adding after the word "agents" in the sixteenth line the words, or in cases in which there is negligence on the part of the town or its agents in collecting said expenses from violators under RSA 224:27, so that said section as amended shall read as follows:

224:15. *Apportionment of Expenses.* The expenses of fighting forest and brush fires in towns, and other expenses lawfully incurred by wardens and deputy wardens of said towns in preventing forest fires, shall be borne equally by the municipality and the state, except as otherwise herein provided, and except that when in any one town or city fiscal year the net total of sums required for the suppression and prevention of forest and brush fires, excluding the initial cost of fire fighting equipment, to be so borne by such municipality, computed at rates within limits established by the forestry and recreation commission and the state forester, shall equal one-quarter of one per cent of the latest equalized locally assessed valuation on such municipality; expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits above specified. The provisions of this section shall not apply to expenses incurred in fighting any forest or brush fire when, as determined by the state forestry and recreation commission, such fire was caused either by the negligence of the town or of its agents; or in cases in which there is negligence on the part of the town or its agents in collecting said expenses from violators under RSA 224:27.



Any determination of the forestry and recreation commission under the provisions of the preceding sentence shall be subject to rehearing and appeal as provided in RSA 541.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

The President recognized Senator Bennett:

"Mr. President, under this bill the town must prove to the Forestry and Recreation Commission that they have made an honest effort to collect from the individual if the individual was responsible for the fire through negligence or by not obtaining a permit to build the fire. The intent of the bill is merely to force the town to make an attempt to collect for a fire for which no permit had been issued. In the first place, the town paid the bill itself and then turned around and asked the State to reimburse them for the State's share. Therefore, when the bill was rewritten, it provides that the State does not have to pay its share of the cost of fighting forest fires caused by the negligence or lack of getting a permit. If the State determines that the town has made a conscientious effort in trying to collect, but because of the poverty of the individual responsible or because of the extensive cost, it is uncollectable, then the State would be able to share with the town in the cost."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

The report was accepted.

Amend said bill by adding after section 1 the following new section:

2. *Application.* Nothing contained herein shall confer authority in the Forestry and Recreation Commission to dispose of said islands by sale.

Further amend said bill by renumbering section 2 to read section 3.

The President recognized Senator Rhodes:

"Mr. President, I move that SB 101 with the accompanying report, be laid upon the table, and made a Special Order of Business for next Tuesday morning at 11:01 o'clock. I have very little to say, but it concerns me a little as there is a pond island over in my District that I am interested in and I wish to talk with some of the people in my District about this over the week end."

The President recognized Senator Bennett:

"Mr. President, I have no particular objection to making this a Special Order, but it was reported out today after the assurance of Miss Alexander that there is no question about the title of these islands. They are owned by the State now. If there is any town or individual who feels that the pond belongs to him, he must take his case to court and prove his point. The question is simply that we want some department to have jurisdiction over the islands. It is not a question of the ownership; that makes no difference; the State is claiming them. This simply gives the jurisdiction over the islands which the State already owns. If the Senator from District No. 10 would explain this to his people, I believe it would clear up a great deal of misunderstanding."

(Discussion ensued)

Question being on the adoption of the motion of Senator Rhodes for Special Order.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

HB 173, An Act relative to apportionment of expenses for forest fires.

HB 191, An Act to increase salaries of justices of the supreme and superior courts.

Senator Humphreys wished to be recorded as having

voted in opposition to the passage of HB 191, An Act to increase salaries of justices of the supreme and superior courts.

The President recognized Senator Cleveland:

“Mr. President, I move that today’s Journal show the following error in yesterday’s Journal. The amendment that the Senator from the 22nd District offered and the one that we debated on and discussed here had been amended. The amendment to the bill as printed in yesterday’s Journal had not been amended.

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

(Proposed amendment to SB 8, An Act abolishing the provisions of law relative to milk control)

Amend the title of said bill by striking out the title and inserting in place thereof the following: An Act relative to producer direct sales.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following: 1. *Producer Sales*. Amend RSA 183 by inserting after section 7 the following new section: 183:7-a. *Producer Direct Sales*. Any producer whose average daily volume of sales does not exceed 100 quarts and who produces and sells direct to the consumer, milk produced on his own farm and who purchases no milk for resale, shall not be subject to the price fixing powers of the board, provided, however, that any producer who sells milk as herein provided shall be required to obtain a certificate from the State veterinarian that his herd is free of Bangs disease and tuberculosis and also shall have a license from the health officer in cities or selectmen of towns in which he makes deliveries if such license is required under RSA 184.

2. *Takes Effect*. This act shall take effect sixty days after its passage.

### **Report of the Special Committee to Revise the Journal**

Senator English, Chairman of the above committee, offered the following recommendations of the committee:

The Committee recommends:

1. The district number following a Senator’s name be omitted in all cases.

2. In the section entitled **House Message** the following new language should be used:

“The House of Representatives has passed the following bills (and resolutions) in the passage of which it asks the concurrence of the Honorable Senate:

HB 4, An Act, etc.”

3. To the section **Introduction, First and Second Reading of House Bills** (and resolutions) add the following new language:

“The above bills (and resolutions) passed by the House were introduced, read a first and second time and referred as follows:

HB 4 to the Committee on Ways and Means.”

4. Under the section **Committee Reports** the following new language:

“HB 193, An Act, etc., Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.”

5. At the termination of the morning session the following new language:

“On the motion of Senator Caron the Senate went into afternoon session.”

6. At the end of the afternoon session the following new language:

“On the motion of Senator Lamontagne the Senate adjourned at 12:03.”

On motion of Senator Rainie, the Senate voted to adopt recommendation No. 1.

On motion of Senator Packard, the Senate not to adopt recommendation No. 2.

On a *viva voce* vote, the Senate voted to adopt recommendation No. 3, No. 4, No. 5, and No. 6.

On motion of Senator English, the Senate voted to adopt the following resolution which had been offered by Senator Lamontagne yesterday: That the Senate rescind its vote whereby the time and place of committee hearings in the Calendar have been placed *beneath* the number and title of bills

and that the time and place shall appear *above* the number and title of the bills as was formerly done in the Senate Journal; thus making the Senate Journal conform to the Journal of the House.

On the motion of Senator Anderson, the Senate adjourned at 10:55, to meet next Tuesday morning at 11:00 o'clock.

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TUESDAY, APRIL 9, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator Anderson requested leave of absence for the day on account of important business. This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

Mrs. Norman A. Packard, the wife of Senator Packard, and Mrs. Henry Goode of Manchester, both being the guests of Senator Packard.

Mrs. Esther Hatch, Mrs. Stuart Ingraham, and Mrs. R. Murray Boutwell, of Lyndeborough, who were the guests of Senator Holmes.

The above ladies were all visitors to the Senate as a part of the program for Hillsborough County "Legislative Day."

### **Introduction, First and Second Reading of Senate Bills**

SB 135, An Act granting the attorney general subpoena power, in certain cases. Introduced by Senator Cleveland.  
Referred to the Committee on Judiciary.

SB 136, An Act relative to the acceptance of gifts to the state library for library purposes. Introduced by Senator Cleveland.  
Referred to the Committee on Finance.

### House Message

The House of Representatives has passed the following entitled bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 106, An Act relating to liens on real estate for assistance to permanently and totally disabled.

HB 107, An Act relative to adoption of minors, and aid to needy children.

HB 171, An Act changing classification of a road in Groton.

HB 252, An Act providing for an official state bird.

HB 284, An Act relative to the open season for taking fur-bearing animals.

HB 288, An Act relative to preparation and posting of check lists in the city of Portsmouth.

HB 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway.

HB 349, An Act relative to insertion of additional information on motor vehicle operator's licenses and fish and game

HB 350, An Act relative to borrowing capacity for co-operative school districts.

HJR 11, Joint Resolution in favor of certain towns in payment of porcupine bounties.

HJR 19, Joint Resolution in favor of Florence Smith.

### Introduction, First and Second Reading of House Bills and Joint Resolutions

The above bills and resolutions, passed by the House, were introduced, read a first and second time, and referred as follows:

HB 106, to the Committee on Public Health, Welfare and Institutions.

HB 107, to the Committee on Public Health, Welfare and State Institutions.

HB 171, to the Committee on Public Works.

HB 252, to the Committee on Resources, Recreation and Development.

HB 284, to the Committee on Fisheries and Game.

HB 288, to the Committee on Judiciary.

HB 327, to the Committee on Public Works.

HB 349, to the Committee on Public Health, Welfare and State Institutions.

HB 350, to the Committee on Education.

HJR 11, to the Committee on Claims.

HJR 19, to the Committee on Claims.

### House Message

The message further stated that the House concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House asks the concurrence of the Honorable Senate:

SB 48, An Act relative to fee paid by legislative council.

Amend section 1 of said bill by adding at the end thereof the words, provided, however, that where the registrant is a member of a partnership, a partner or associate of said partnership may substitute for the registrant as legislative counsel for the same employer without payment of any additional fee, so that said section as amended shall read as follows:

1. *Legislative Counsel.* Amend RSA 15:2 by striking out said section and inserting in place thereof the following: 15:2. — *Fee for Registration.* The fee for registration as legislative counsel for any one employer for any one legislative session, in accordance with the provisions of section 1 of this chapter, shall be ten dollars; provided, however, that where the registrant is a member of a partnership, a partner or associate of said partnership may substitute for the registrant as legislative counsel for the same employer without payment of any additional fee.

On motion of Senator Adams, the Senate voted to concur in the adoption of the amendment sent up from the House to the above entitled bill.

SB 50, An Act relative to special sessions of probate court.

Amend section 1 of said bill by striking out the word "five" in the sixth line and inserting in place thereof the word, ten; and further amend said section by striking out the words "provided that when testimony is taken he may be allowed ten dollars plus his expenses" in lines six and seven, so that said section as amended shall read as follows:

1. *Judges of Probate.* Amend RSA 547:23 (supp) as amended by 1955, 142:1, by striking out said section and in-

serting in place thereof the following: 547:23. *Special Sessions.* Whenever the judge, at the request of the parties, shall attend an uncontested hearing on days other than those fixed by statute as the regular days for the sitting of the probate court, he may be allowed ten dollars for his service plus his expenses. In the case of a contested hearing, he may be allowed additional compensation which shall not exceed an additional ten dollars for a half day or an additional twenty dollars for a whole day plus his expenses. Such compensation and expenses shall be paid by the party applying for the hearing, unless the judge orders otherwise.

Senator Cleveland moved that the Senate concur in the adoption of the amendment to the above entitled bill, sent up from the House.

(Discussion ensued)

Senator Rainie spoke in opposition to the motion; as follows:

“Mr. President, I suppose this is a matter that does not justify my objection. However, I want to call the attention of the Senate to this fact. Many times, this so-called special session is merely signing a name and the charge of \$10 for that is going to cause some objection and some delay. I believe that this amount is an unreasonable fee. With the amended salary, they receive \$37.50 in Merrimack County and they are adequately paid for longer hearings. I find no fault in the longer hearings, but in the case of these short hearings, I do feel that the fee of \$10 is contrary to the public good.”

Question being on the motion of Senator Cleveland to concur in the adoption of the amendment to the above entitled bill, sent up from the House.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Fifteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, the motion carried, and the Senate concurred.

The message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 39, An Act relative to payments to state institutions.



SB 25, An Act relating to gifts of securities and money to minors.

The message further stated that the House refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 56, An Act relative to liability of relatives to contribute to support of poor persons.

The message further stated that the House has voted to concur with the Honorable Senate in its amendments to the following entitled bills and joint resolution:

HB 144, An Act relative to the sale of drugs.

HB 274, An Act relative to powers and duties of arborists.

HJR 22, Joint Resolution in favor of Howard Cass.

The message further stated that the House has passed the following Concurrent Resolutions in the passage of which it asks the concurrence of the Honorable Senate:

Concurrent Resolution relating to Conference Committees.

*Resolved by the House of Representatives, the Senate concurring:*

*That* the Joint Rules be amended by adding after Rule 12 the following:

13. Whenever a Committee of Conference is requested by either branch and such request is acceded to by the other, the President of the Senate shall appoint three members of the Senate and the Speaker of the House shall appoint three members of the House to serve on such committee. The first named member of the branch making a request for the Committee of Conference shall be chairman of the committee. The committee shall compromise the differences between the two branches and if two members of the committee of each branch shall agree to a compromise such compromise shall be reported back to each branch. If no compromise is reached it shall be so reported to each branch and a new committee may be appointed. A report shall be made not later than nine legislative days after appointment of the committee, provided, however, that an extension of time may be granted by a majority vote of each branch.

The President announced that he would refer the above Concurrent Resolution to the Committee on Rules.

Concurrent Resolution naming Portsmouth Air Base.

*Resolved by the House of Representatives, the Senate concurring:*

*Resolved*, That the General Court of New Hampshire urges the Congress of the United States to provide that the so-called Portsmouth Air Base, located in Newington, New Hampshire, be named and hereafter be known as the Pease Air Force Base, in honor of Harl Pease, Jr., holder of the Congressional Medal of Honor and the Distinguished Flying Cross, be it further

*Resolved*, That the Secretary of State transmit certified copies of this resolution to the Senators and Representatives of New Hampshire in the Congress, and to the Speaker of the House of Representatives and the President of the Senate of the United States.

Senator O'Brien moved that the Senate concur in the adoption of the above Concurrent Resolution sent up from the House.

Senator Humphreys spoke in opposition to the above motion, as follows:

"Mr. President, I believe that the above Concurrent Resolution is incorrect in stating that the Portsmouth Air Force Base is located in Newington. Also, I would oppose the adoption of this Concurrent Resolution. I think the Air Force Base has been named the Portsmouth Air Force Base and the name should remain as such, and the base should not be named in honor of just one of our war heroes."

The President recognized Senator Packard, who spoke against the motion to concur, as follows:

"Mr. President, I am not familiar with this subject, but I have lots of literature on my desk pertaining to this. I think it is quite an important thing and would move that this Concurrent Resolution be referred to a committee and that a public hearing be held. I would move that it be referred to the Committee on Military and Veterans' Affairs."

Senator Lamontagne spoke in favor of Senator Packard's motion above.

On a *viva voce* vote, the affirmative prevailed, and the Concurrent Resolution was referred to the Committee on Military and Veterans' Affairs.

### Committee Reports

HB 136, An Act relating to the salary of the justice of Haverhill municipal court.

HB 207, An Act relative to the salary of the justice of the Salem municipal court.

HB 228, An Act relative to the salaries of the justice and special justice of Hampton municipal court.

Report of the Committee on Finance (Senator Caron): Ought to pass.

The reports were accepted.

The President recognized Senator Merrill, who spoke on the above three bills, as follows:

"Mr. President, if I may, I will speak briefly on the above three bills in question, as they all pertain to the same subject. These bills were heard by the committee with no objections. There was a little thinking in the committee that salaries of this type should be set by the people in the communities as they are the ones who pay the bill, rather than up here in the legislature. On the other hand, in view of the fact that these people are appointed by the Governor and Council, it was felt perhaps these salaries should be set by the legislature. In each of these cases, the activity has increased considerably in the past few years, and we believe that it is only fitting that these salaries should be increased."

The reports were accepted.

On a *viva voce* vote, the bills were ordered to a third reading this afternoon at 2:00 o'clock.

SB 1, An Act providing for refund of motor vehicle road toll for retail dealers.

Report of the Committee on Finance (Senator Caron): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, a word of explanation about the committee's report. This bill, as you know, was heard by another committee, and originally provided for a 2% refund to the gas dealers of the state. The previous committee amended the bill to read 1% and changed the method of collection. This met with opposition by the oil companies. At the time we had the hearing, the amount considered as the figure to be re-

funded was something like 90 to 100 thousand dollars. There seemed to be a great difference of opinion in this, however. But now, since the committee's report was made, information has come to the committee, in fact, came to me this morning, that there seemed to be an area of difference as voiced by the Highway Department, Motor Vehicle Commissioner, and I assume, the oil companies. I merely want to say that the committee has also discussed the matter again. We have no strenuous objection to the passage of the bill. In fact, I think the committee will agree with me that there is a loss of gas to the dealers — the exact amount not established. Perhaps if we had had this information earlier, we might have offered a different report."

Senator Packard moved that the words, Ought to pass, be substituted for the words, Inexpedient to legislate.

Senator Packard spoke in favor of the motion to substitute, as follows:

"Mr. President, you have heard the report of the Chairman of the Finance Committee. However, I was prepared to come in this morning to debate this thing quite thoroughly. However, in view of the apparent slight change and the fact that there is not too much objection, I will try to be brief. At the hearing before the Finance Committee, I have been told that there was no objection. Originally, this bill was referred to the Public Works Committee. At that time, an amendment was offered, and the bill was reported as Ought to pass. It was then referred to the Committee on Finance. Now the Finance Committee is reporting it in as Inexpedient to legislate. Therefore, I will ask the Senate to overthrow that report and accept the original bill which has now been agreed upon to the best of my knowledge with one change. The one change being that we are now ready to agree to the 1% instead of the 2% as originally asked. We are doing this to try to come to some accord here. Practically all the states of the union have legislation of this type; either already passed or in the process of being passed. I do not believe that there is anybody here in the Senate who does not believe that the retail gas dealers have this loss. The major oil companies have been getting the 1% rebate for a long period of time. I feel that the retail dealer should be accorded the same assistance as that given to the distributors."

Question being on the motion of Senator Packard to substitute.

Senator Cleveland requested a two minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Question being on the motion of Senator Packard to substitute the words, ought to pass, for the words, inexpedient to legislate.

The Chair announced that the amendment with the bill had been referred to the Committee on Finance.

The President recognized Senator Rogers:

"Mr. President, in view of the fact that this bill was the first bill introduced, that it has had a public hearing by the Committee on Public Works, and an amendment was submitted to it, it seems to me that the expeditious thing to do is to support the motion of Senator Packard to substitute. In that event, I will submit as an amendment to the bill the original bill with the insertion of one word in the first section and a change in one word in the second, changing from 2% to 1%. I have no expert knowledge of how this should be handled, but it seems to me that the sentiments are that this 1% should be allowed the retail dealers. I will, therefore, support Senator Packard's motion to substitute."

On a *viva voce* vote, the affirmative prevailed, and the motion to substitute the words ought to pass for the words inexpedient to legislate carried.

Question being on the adoption of the amendment offered by the Committee on Public Works.

Senator Packard:

"Mr. President, as you have heard Senator Rogers explain, we wish to kill this proposed amendment which was offered by the Committee on Public Works. In turn, Senator Rogers will then offer another amendment."

Senators Rogers and Packard spoke in favor of the above motion.

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Rogers offered the following amendment:

Amend section 1 of said bill by adding after the word making in line three the word, retail, so that said section as amended shall read as follows:

1. *Dealer Refund.* Amend RSA 265:2 by inserting at the end thereof the following new paragraph: VIII. "Retail dealer" shall mean any person engaged in the business of making retail sales of motor fuel within this state; provided, that in the case of a retail dealer engaged in the business of making sales both at retail and at wholesale such term shall be applied only to the retail portion of such business.

Further amend said bill by striking out the words "two per cent" in line six of section 2 and inserting in place thereof the words, one per cent, so that said section as amended shall read as follows:

2. *Refunds Authorized.* Amend RSA 265 by inserting after section 19 the following new section: 265:19-a. *Retail Dealers.* In addition to the provisions of 265:19 any retail dealer shall be entitled to a refund for tolls paid on account of shrinkage or loss by evaporation of motor fuel. The procedure for such refund shall be as follows: I. The amount of refund shall be computed at the rate of one per cent of the toll paid on gross purchases. II. All applications for refunds must be made under penalties of perjury and shall be made semi-annually within 90 days after June 30th and December 31st respectively. III. Such application shall be in such form as the commissioner shall prescribe and shall be accompanied by a statement from the distributor, supplier or wholesaler of the gross purchases of motor fuel made by said dealer during the six-month period. IV. The above conditions having been fully complied with the commissioner shall calculate the amount of the refund due on such application and shall certify such amount and the name of the person entitled to the refund to the state treasurer. The state treasurer shall thereupon make such certified refund from said road tolls.

The President recognized Senator Packard, who spoke in favor of the adoption of the above amendment:

"Mr. President, as I previously stated, this is the original bill with only two changes — changes from 2% to 1% and inserting the word retail. We tried to negotiate with the major oil companies and with persons involved and we hope that

during the next two years surveys can be conducted and if it is proven that 1% is not correct, then in two years it can be raised if needed. The reason that we asked the previous amendment be voted down was due to the fact that there was tremendous objection. The committee feels that everybody is in accord now and urges the passage of the bill."

Question being on the adoption of the amendment offered by Senator Rogers.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Special Order of Business

It now being 11:01, Senator Rhodes called for the Special Order of Business. It being adoption of the amendment offered by the Committee on Resources, Recreation and Development to SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

The President recognized Senator Rhodes:

"Mr. President, I believe I have the answers to the questions that I had on SB 101, and I am in favor of its passage as amended."

Amend said bill by adding after section 1 the following new section:

2. *Application.* Nothing contained herein shall confer authority in the Forestry and Recreation Commission to dispose of said islands by sale.

Further amend said bill by renumbering section 2 to read section 3.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 1, An Act providing for refund of motor vehicle road toll for retail dealers.

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

HB 136, An Act relating to the salary of the justice of Haverhill municipal court.

HB 207, An Act relative to the salary of the justice of the Salem municipal court.

HB 228, An Act relative to the salaries of the justice and special justice of Hampton municipal court.

### **Announcement**

The President recognized Senator Packard:

“Mr. President, I wish to take this opportunity of thanking the Senators on behalf of the 815 gasoline dealers of this state for giving them this very small relief toward their economic welfare.”

On motion of Senator Rhodes, the Senate adjourned at 12:30 o'clock.

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WEDNESDAY, APRIL 10, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator Rainie requested leave of absence for the day on account of important business.

This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guests of Senator Merrill, his wife, Mrs. Dean B. Merrill, and his son, Russell A. Merrill, of Hampton.

As the guests of Senator English, Miss Peggy Sadler and Mrs. Wilbur Bullen, Jr., of Hanover.



**Introduction, First and Second Reading of Senate Bills**

SB 137, An Act exempting totally disabled persons from the payment of poll and head taxes. Introduced by Senator Cleveland.

Referred to the Committee on Ways and Means.

SB 138, An Act legalizing a special meeting of Sullivan school district held January 24, 1957. Introduced by Senator Rhodes.

Referred to the Committee on Judiciary.

SB 139, An Act permitting employees' retirement plans at the option of towns. Introduced by Senator Lamontagne.

Referred to the Committee on Ways and Means.

SB 140, An Act relative to suits affecting air navigation facilities. Introduced by Senator Lamontagne.

Referred to the Committee on Judiciary.

**House Message**

The House of Representatives has passed the following bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 82, An Act relative to the salary of the treasurer of Rockingham County.

HJR 47, Joint Resolution in favor of the estate of Edmond Hebert.

The message further stated that the House has voted to non-concur with the Honorable Senate in its amendment to the following entitled bill, and asks for a Committee of Conference:

HB 173, An Act relative to apportionment of expenses for forest fires.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Broadhurst of Franklin, Monahan of Hanover, and Pickett of Keene.

On motion of Senator Bennett, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Bennett and Provost.

**Introduction, First and Second Reading of House Bills**

The above bill and joint resolution passed by the House were introduced, read a first and second time, and referred as follows:

HB 82 to the Committee on Judiciary.

HJR 47 to the Committee on Claims.

**Committee Reports**

SB 79, An Act relative to employment of an extra court stenographer.

Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, perhaps the Judiciary Committee might more properly speak for the need of an extra court stenographer. As we understand it, there are seven judges, and seven stenographers and no extra one. It is a very highly skilled job and it seemed advisable to have eight stenographers rather than the seven. The committee recommended the passage of the bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 21, Joint Resolution relative to aerial geophysical survey of portions of the state.

Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, this is continuing an activity which was begun two years ago and briefly it consists of mapping certain areas of the state by the use of instruments handled in much the same way as you would handle aerial photography. This machine provides for locating minerals below the surface. Many areas in Rochester - Alton, and near Plymouth and Thornton have already been covered by this type of survey. In the Rochester - Alton area some activity has been initiated by independent companies based on these surveys. Vermont has \$49,000 in its budget, to be acted upon, to carry on this same type of work. It is also being done in Maine. This is one of

those things that you gamble on, never knowing what may be found below the ground. But unless the state takes the initiative and does something of this sort, independent companies will not be encouraged to do anything in connection with this project.”

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 30, Joint Resolution in favor of the New Hampshire Veterans' Association.

Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

“Mr. President, this is a recurring appropriation having been in the budget for some number of years. Speaking in favor of the joint resolution was Dave O'Shan of the House, Mr. Sawyer of the State American Legion and Dr. Blood. This amount of money (\$1,500) is to be used in the repair and maintenance of the buildings at the Weirs which are used by the veterans and their families and if more accommodations were available, the buildings would be used much more.”

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

SB 108, An Act relative to the terms of office of the mayor of Manchester.

Report of the Committee on Judiciary (Senator Humphreys): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland:

“Mr. President, this bill limits the number of terms that the mayor of the city of Manchester can have to three terms. It goes on to say that it is the declared intent that the following provisions shall apply to any person who at any time has previously been elected. The committee vote was not unanimous, but the committee did feel that it was a matter that should better be left to the sound discretion of the Manchester voters. Under the issue of home rule, the majority of the Judiciary Committee felt that this was really a matter for the Manchester voters to decide. In addition, it should be pointed out to the members of the Senate, there are grave constitution-

ality questions involved in this bill. Although it does not mention any person by name, it is so drafted as being intended toward the present mayor. This is not general legislation, mentioning all cities. Again, it applies only to one city. It was felt that if it is good for Manchester, it should be good for all the other cities of the state. This is being pointed at only one city."

Senator Provost moved that the words, ought to pass, be substituted for the words, inexpedient to legislate, and spoke on the motion:

"Mr. President, I believe this bill was presented in good faith. Four out of the five Senators from Manchester feel that this bill should pass."

The President recognized Senator Daniel:

"Mr. President, I am speaking in opposition to the motion of Senator Provost. I am asking the Senate to adopt the Committee Report. I am appearing in opposition to SB 108. I have contacted the attorney general and have asked for his opinion in writing relative to the constitutionality of this bill.

In case the Senate votes not to adopt the Judiciary Committee report, I will offer a resolution.

"Members of the Senate, at the present time, I wish to tell you that during the past 40 years, we have had six mayors of the city of Manchester; an average of approximately six years each. My reason for rising in opposition to this bill is that we should give to the city of Manchester, with a population of 80,000, the right to elect its own mayor as it so chooses. I don't know what is behind all this, but I know what I think. Any mayor has to do what he believes is good for the city. This bill, although they don't tell you so, is aimed at one person, the present mayor. What on earth has the present mayor done to be deprived of the right to run for office if he wishes to do so. Last election, the people in my ward certainly did support the present mayor. If I did not get up this morning and support this bill, I would not be doing my duty as representing my ward. The number of votes cast for the present mayor last election in the entire city was 15,463, with 13,311 votes cast for the next candidate. I would say that Manchester has bi-partisan election, not a primary. It is everybody's right to run for mayor, if they so desire. If the people of Man-

chester want to get the present mayor out of office, let them do it above board and according to the constitution, but not this underhanded way. Vote him out of office if they desire to do so, but let the American election be free. I am sure the people of Manchester are intelligent enough to go out and vote for whom they wish. The people who are against the present mayor are afraid if he runs again, he will be elected again. All right, get to work and organize and beat him by a vote of the majority, but do it on the table, not underhanded. I am asking the members of the Senate in all fairness to give the choice where it belongs. Give the citizens of Manchester the right to choose and the right to vote for the man that they think will do the best for the city of Manchester. Our mayor has kept the taxes down in the city of Manchester. I am proud of the tax bill of the city. I am sad when I think of the unfairness that they are trying to do to us today. I could tell you a lot more about what is going on today. I do not always agree with the present mayor, but I like to see justice and I like to be fair, I believe in the majority rule. I urge the members of the Senate to support the report of the Judiciary Committee. I will probably ask for a rising vote or perhaps a roll call."

The President recognized Senator Adams:

"Mr. President, I am in support of the motion of Senator Provost. I think that a bill of this kind ought to be sent over to the House for consideration by the Manchester Delegation. As Senator Provost has said, there are five Manchester Senators in here — that is, there are, if I am included. I represent one ward of that city. There are fifty-eight or fifty-nine members of the Manchester delegation in the House, and I believe they could more correctly act on this. I will vote for the substitution ought to pass on this measure."

The President recognized Senator Packard:

"Mr. President, in the last election, as I recall, there were nine or ten wards in Manchester which were taken by the nearest opposition of the present mayor. I bring this out only because Senator Daniel in mentioning figures stated that this was true in only five wards. At a recent meeting, the present mayor made these remarks 'Thank God for Ward 13' — even the mayor himself recognizes that Ward 13 is his stronghold. However, there are still 13 other Wards in the city to be repre-

sented. This is strictly a Manchester question. I know that not one person from Manchester is a member of the Judiciary Committee. And I want to say a few words about the low tax rate in Manchester. That tax rate is a phony tax rate. Because for 20 years, we have had no improvements to our roads, schools, etc. Anybody can keep the tax rate down if nothing is ever done. The present mayor has vetoed every proposal. The roads are deplorable. When you say a low tax rate — it is nothing but a phony. They say that this is special legislation. Yes, it is special legislation. About 20 years ago, a group came up here from Manchester and said they needed a finance commission. I believe that has been of great benefit to the city of Manchester. I am in favor of a finance commission. I question it when they say it is not home rule. However, this is a different situation altogether. The President of the United States is limited to two terms. That need was seen, therefore, who are we to question the need for this on a local level. We have no law regarding the Governor of New Hampshire serving more than two terms, but it is understood that this is adequate, more or less in the form of a so-called gentlemen's agreement. With regard to the mayor of Manchester, certainly three terms is enough. I have only received three letters on this particular bill and they were all in favor of the bill. If this bill does go into the House, it will be referred to the Manchester delegation and a public meeting will be called in Manchester. The city of Manchester has been for years controlled by the Democratic majority. It is a known fact that the mayor is a Democrat and that 12 or 13 members on the board are Democrats. This bill was brought in by a Democrat and therefore, it is apparent that there is a feeling indeed that the present set-up is not the way that they want to run their city. This is a not a Republican trying to get a Democrat out of office, this is a move by the Democrats themselves."

The President recognized Senator Lamontagne:

"Mr. President, I am indeed sorry to hear the remarks from Senator Packard. I have said that I would vote against any bill aimed at any person individually. Before coming here this morning, I had made no decision whether to vote for or against this matter. But after hearing the remarks of Senator Packard about the mayor of the City of Manchester, I wish to say that certainly one man cannot have the control. The

power lies with the city council and not with the mayor. I am so sorry that this was brought up this morning. I believe that we are here to do the best that we can in order to give all the people fair legislation. It was said that this matter was brought in by a Democrat. I wish to say this, that I believe that there are some Republicans who got behind and pushed on this. I think that is wrong. I want to be fair to both the Democrats and the Republicans. I have come here and have tried to be fair. I was going to vote Ought to pass, but now I am going to vote inexpedient to legislate."

The President recognized Senator Cleveland:

"Mr. President, the Senate should be advised that the constitutional amendment to the United States Constitution whereby the office of President was limited to two terms stated that it should not apply to anyone holding the office at the time this was passed or become operative during the remainder of such term. So, it is not strictly correct to say that this Senate bill is comparable to the amendment to the United States Constitution."

Senator Rogers questioned Senator Cleveland:

"Would you care to explain to this body how the city of Manchester could amend its charter without the action of the Legislature?"

Senator Cleveland replied:

"I cannot answer that question."

Senator Packard questioned Senator Cleveland:

"Would you have any objection if an amendment was put on this bill requiring a referendum?"

Senator Cleveland replied:

"Yes, I would object."

Senator Paquette:

"I would be in favor of the bill if it was amended to affect all mayors, selectmen, etc., but I cannot go along with it as long as it refers only to one man."

Senator Caron questioned Senator Cleveland:

"If we amend the bill to strike out this term and insert in the bill 1959, that would allow the present mayor, if he so desired, to run this fall for another term. Would you object to that amendment?"

Senator Cleveland replied:

"Yes, because I believe it would be aimed at one man."

Senator Daniel:

"We had a bill here two years to change the charter of the city of Manchester. At that time, the representatives turned it down. Besides the mayor, we have 14 aldermen and also 14 members of the school board and we also have a finance commission. I am deeply sorry to hear what some of my colleagues from Manchester have said, but at least, I have tried to do what I believed was right."

Senator Packard:

"Mr. President, it is with true regret that I have heard Senator Lamontagne get up and make a few comments about what I have said. When I brought up the point that this bill had been introduced by a Democrat, I felt that the city of Manchester has a Democratic majority. I merely brought up this point merely to show that this was not a Republican action to try and undermine the Democratic machine in Manchester. I don't know what the object of Senator Provost is, but I believe that he thinks it is in the best interest of the city of Manchester. I have no personal interest in this, but I do feel that if this bill went into the House, it would be taken care of in the interests of the majority. If four out of five Manchester Senators are in favor, it seems that it should pass."

Senator Caron moved the previous question. Seconded by Senators Cleveland, Rhodes and Adams.

On a *viva voce* vote the affirmative prevailed, and the motion carried.

Question being on the adoption of the motion of Senator Provost to substitute the words, Ought to pass, for the words, Inexpedient to legislate.

On this motion, Senator Cleveland demanded a roll call. The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: O'Brien, Rogers, Anderson, Packard, Provost, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative. Lamontagne, Horner, Hodgdon, Bennett, Cleveland, DeLude, Rhodes, English, Holmes, Paquette, Caron, Daniel and Merrill.



Nine Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the adoption of the resolution offered by the Committee on Judiciary, Inexpedient to legislate.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Fifteen Senators having voted in the affirmative, the Chair declared that the vote was manifestly in the affirmative, and the resolution of the committee was adopted.

### Resolutions

Senator English offered the following resolution:

If You Don't Have It,  
You Don't Have It.  
(An Oscar, That Is)

We have in our midst  
A man  
So rare  
That even the West  
Might stand  
And stare.  
He's not only Chairman  
of Finance;  
Other bodies, he doth  
Enhance!  
He's versatile,  
'Tis plain  
To see,  
Working always in  
Harmony.  
He sits among us  
Day after day  
Figuring and figuring,  
But smiling  
Alway.  
You'd never guess  
If you didn't know  
He's stealing the show  
From Marilyn Monroe  
And Jane Maxwell,

Yes, even Bing;  
But all *they* do  
Is dance, act,  
And sing.  
For he has proved

He, too,  
Can do it;  
That *he* has more  
To be added  
To it.  
He's got the brains,  
The figures, too;  
He's got the stuff  
To see things  
Through.  
For, when it comes  
To an  
*Oscar*  
Our own Dean B.  
Has gone  
That far!  
He's got it, now,  
To have and hold;  
To treasure, *if*  
He ever grows  
Old.  
This honor, rare,  
He's had bestowed  
To prove that he  
More than  
Shares the load.  
And so it is,  
We salute him, now:  
HON. DEAN B. MERRILL,  
Please,  
Take your bow!

### Resolution

Senator Horner offered the following resolution:

*Whereas*, We have learned with pleasure that the Honorable Senator from the twenty-third district has been honored

by the National Congress of Parents and Teachers for his outstanding contribution in promoting the ideals of the Association, and

*Whereas*, In recognition of his long and faithful service in behalf of the organization, has received an Oscar, the highest honor and commendation granted a layman, therefore be it

*Resolved*, That we, the members of the 1957 Senate, extend to our fellow member our heartiest congratulations and sincere good wishes, therefore be it further

*Resolved*, That a copy of these resolutions be spread upon the records and the Clerk be instructed to transmit these resolutions to Senator Dean B. Merrill.

Senator Merrill expressed his sincere appreciation to the members of the Senate for the spirit of thoughtfulness contained in the above resolutions.

### **Committee Reports (continued)**

HB 241, An Act relating to wilful concealment of merchandise in stores.

Report of the Committee on Engrossed Bills (Senator Horner): Report the same under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the figure "15" in the first line and inserting in place thereof the figure, 14, and by striking out the figure "15-a" in the first line and inserting in place thereof the figure, 582:15.

On a *viva voce* vote, the Senate voted to concur in the adoption of the above amendment.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolutions:

HB 85, An Act relating to the committal of juveniles and transfer of cash bail.

HB 144, An Act relative to the sale of drugs.

HB 212, An Act relating to the construction of state armories.

HB 274, An Act relative to powers and duties of arborists.

SB 25, An Act relating to gifts of securities and money to minors.

HB 63, An Act relative to the trespass of domestic animals and damages to real property.

HB 218, An Act relative to fees for funeral directors and embalmers.

HB 136, An Act relating to the salary of the justice of Haverhill municipal court.

SB 48, An Act relative to fee paid by legislative counsel.

SB 50, An Act relative to special sessions of probate court.

HB 60, An Act relating to causes for divorce.

HB 147, An Act extending the period of application for copies of the Revised Statutes Annotated by members of the nineteen fifty-five sessions of the general court.

HB 180, An Act to change the name and amend the charter of St. Mary's School for Girls.

HB 191, An Act to increase salaries of justices of the supreme and superior courts.

HJR 3, Joint Resolution in favor of Michael P. O'Donnell Junior of Manchester.

HJR 23, Joint Resolution in favor of Harry L. Hurlbert.

SB 39, An Act relative to payments to state institutions.

SB 83, An Act to authorize the school district of Stratham to exceed its limit of bonded indebtedness.

HJR 22, Joint Resolution in favor of Howard Cass.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

### **Report from the Justices of the Supreme Court**

SB 80, An Act relating to the expiration of void mortgages.

*To the Honorable Senate:*

The undersigned Justices of the Supreme Court submit the following answer to the inquiry contained in your resolution filed March 18, 1957, with reference to Senate Bill No. 80, as amended, entitled, "An Act relating to the expiration of void mortgages."

Section 1 of the amended Senate bill provides: "All mortgages of real estate which shall have been on record for

a period of forty years or over are void, provided, however, that a mortgagee or the assignee of a mortgage may continue the same in its full legal effect and priority by rerecording the same at any time within said forty-year period. This section shall not apply to mortgages held by banks, trust companies, and building and loan associations."

The concluding section (section 2) provides that the act "shall take effect January 1, 1960."

The proposed bill would invalidate mortgages which have been recorded for a period of forty years unless the holder of the mortgage rerecords it within the forty-year period. The bill applies to existing mortgages as well as those that may be recorded in the future. Legislation having a similar purpose, although of broader scope, has been enacted in several states. IV American Law of Property, s. 18.96. Statutes of limitation barring ancient mortgages proceed on the theory that free alienability of land is a major goal of modern real property law. Basye, *Clearing Land Titles*, ss. 71, 76 (1953). Since many ancient mortgages have not been discharged of record, they subsist as a cloud on the title long after the debts which they secure have become barred. 2 Glenn, *Mortgages*, s. 141 (1943). "That a mortgage given and maturing nearly a century ago may still impair marketability of the land on which it was given is dramatically illustrated by *Marshall v. Francis*, 332 Mass. 282, 124 N. E. 2d 803 (1954), noted in 25 Boston Bar Bull. 295 (1954), in which a mortgage executed in 1863 payable in 1867 for \$350 on which \$300 was thereafter paid and was held to have potential vitality in 1954 so as to preclude registration of the land free from the mortgage notwithstanding that several intervening deeds and mortgages made no mention of it." Basye, *supra*, s. 71 (1956 supp.).

A statute requiring the recording of all deeds previously executed to entitle them to priority was upheld at an early date. *Jackson v. Lamphire*, 3 Pet. (U. S.) 280. In *Vance v. Vance*, 108 U. S. 514, legislation was upheld requiring the holders of previously existing mortgages to record them in order to preserve their validity against creditors of the mortgagor. A more recent view of the constitutional aspects of statutes of limitation is found in *Chase Securities Corp. v. Donaldson*, 325 U. S. 304, 314: "Statutes of limitation find

their justification in necessity and convenience rather than in logic . . . They are practical and pragmatic devices to spare the courts from litigation of stale claims, and the citizen from being put to his defense after memories have faded, witnesses have died or disappeared, and evidence has been lost."

Article 23rd of the New Hampshire Bill of Rights prohibits retrospective laws. This constitutional provision, however, does not apply to statutes which affect the remedy only, provided that they do not do so in a way which is injurious, oppressive or unjust. *Simpson v. Savings Bank*, 56 N. H. 466; *Wallace v. Stearns*, 96 N. H. 367, 369; *Bourque v. Adams*, 93 N. H. 257, 259. The proposed bill does not make it clear that in order to preserve their validity a reasonable period of time is to be afforded in which to rerecord all mortgages, including any which may have been on record for forty years or more at the time of the adoption of the bill. This is a usual requirement to the validity of such legislation. *Wheeler v. Jackson*, 137, U. S. 245. See *Swanke v. Oneida County*, 265 Wis. 92.

Consequently if the bill is to be enacted it should specifically provide that any mortgagee, regardless of the length of time that his mortgage has been on record, shall be given a reasonable period of time in which to rerecord it. Section 2 of the act, which provides that it takes effect in 1960, may have been intended to do this but it is contrary to the provisions of section 1 as applied to mortgages which now have been on record more than forty years. If such reasonable period is provided in the act, we conclude that it will not be in violation of our Constitution. *Cf. King v. Association*, 100 N. H. 212, 218.

Accordingly, you are advised that Senate Bill No. 80 in its present form would be unconstitutional but if further amended in accordance with this opinion would be constitutional. Scurlock, *Retroactive Legislation Affecting Interests in Land*, 73-80 (1953). See Anno. 133 A. L. R. 1325.

FRANK R. KENISON  
LAURENCE I. DUNCAN  
AMOS N. BLANDIN, Jr.  
EDWARD J. LAMPRON

April 10, 1957.

On motion of Senator Packard, the order whereby SB 133, An Act relating to financial responsibility of motorists, was referred to the Committee on Transportation was vacated, and the bill was referred to the Committee on Banks and Insurance.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading of Bill and Joint Resolutions**

The following entitled bill and captioned joint resolutions were read a third time, and passed:

SB 79, An Act relative to employment of an extra court stenographer.

HJR 21, Joint Resolution relative to aerial geophysical survey of portions of the state.

HJR 30, Joint Resolution in favor of the New Hampshire Veterans' Association.

On motion of Senator English, the Senate adjourned at 12:35.

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THURSDAY, APRIL 11, 1957

The Senate met at 11:00 o'clock.

#### **Leaves of Absence**

Senators Anderson and English requested leave of absence for the day.

These requests were granted by the Chair.

#### **Introduction of Guest**

The President welcomed to the floor of the Senate as the guest of Senator Packard and Senator Ferguson, Mr. Frank Van Vleet of Pembroke.

#### **Introduction, First and Second Reading of Senate Bills**

SB 141, An Act authorizing rehabilitation work in redevelopment projects. Introduced by Senator Rainie.

Referred to the Committee on Judiciary.

SB 142, An Act relative to the charter of the city of Laconia to clarify a section relating to schools. Introduced by Senator Rogers.

Referred to the Committee on Ways and Means.

On motion of Senator Adams, the rules of the Senate were so far suspended as to allow the introduction of a Senate bill not previously filed.

The President recognized Senator Adams to speak on the bill to be introduced:

“Mr. President, this bill is to increase the Governor’s salary. We have already passed bills increasing the salaries of the justices of the supreme and superior courts, and I have scanned the titles in the list of bills filed and I see nothing in there to make the Governor the highest paid official of the State. I think it is ridiculous that some officials of the State should be paid a higher salary than the Governor. Although I may have my differences with the Governor, I believe it is a matter of principle that he should receive a higher salary than any of the other State officials.”

Senator Rainie questioned Senator Adams as to the effective date of this bill.

Senator Adams replied that the bill provided the effective date to be July 1, 1957, the beginning of the next fiscal year.

Senator Rainie stated that he wondered if it would be wise to make this increase effective during the present Governor’s term of office. Inasmuch as the Governor must sign the bill, it might prove embarrassing to the Governor to sign the bill by which he would benefit.

#### **Introduction, First and Second Reading of Senate Bill**

SB 143, An Act to increase the Governor’s salary. Introduced by Senator Adams.

Referred to the Committee on Finance.

#### **House Message**

The House of Representatives has passed the following bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 119, An Act prohibiting certain lights along a highway.



HB 275, An Act relative to taking brook trout.

HB 289, An Act relative to publication of ordinances of Portsmouth.

HB 299, An Act relative to benefits under policemen's retirement system.

HB 359, An Act defining agricultural farming and farm under the motor vehicle laws.

### **Introduction, First and Second Reading of House Bills**

The above bills passed by the House were introduced, read a first and second time, and referred as follows:

HB 119 to the Committee on Public Works.

HB 275 to the Committee on Fisheries and Game.

HB 289 to the Committee on Judiciary.

HB 299 to the Committee on Finance.

HB 359 to the Committee on Agriculture.

### **Committee Reports**

HB 184, An Act relative to the taking of pheasants. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

The report was accepted.

The President recognized Senator Rhodes:

"Mr. President, under the present law, hunters are only allowed to take male pheasants. This bill permits the hunters to take the female pheasant also. There was no objection at the hearing. As the life of the pheasant is short, it was felt that hunters should be permitted to take the female pheasant as well as the male as it is quite probable they might be killed by other animals anyhow. The committee felt that this bill should pass."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 110, An Act relative to so-called bob houses for ice fishing. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass with amendment.

The report was accepted.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Ice Fishing.* Amend RSA 211 by inserting after section 17 the following new subdivision:

**Bob Houses**

211:17-a. *Bob Houses.* Any person owning or placing a so-called bob house on ice for the purpose of ice fishing shall mark clearly on the outside of the door of said structure the owner's name and address. Any owner of a bob house who shall allow said structure to remain on property of another without permission for more than thirty days shall be fined not more than twenty-five dollars.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

The President recognized Senator Rhodes:

"Mr. President, the purpose of this bill — it seems that many ice fishermen leave their bob houses out on the lake or drag them to the shore and leave them there. It seems if their name could be put on these bob houses, it would be helpful. Also, the assessment of the fine might correct this habit. There was no objection."

On a *viva voce* vote, the amendment was adopted and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 113, An Act providing for town advisory committee. Report of the Committee on the Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill is permissive legislation that allows towns to establish advisory committees and sets up the procedure whereby if the towns vote to have the advisory committee, they may elect the same. This was supported by many people and it was felt that this added protection would be of value to the town. There was no objection."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Concurrent Resolution relative to unnecessary spending. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this is a resolution that memorializes our Congressional delegation, asking them to see what they can do to stem the tide, as it were, in connection with federal grants and aid, particularly the type of federal grants and aid that calls for matching funds. This asks our Congressional delegation to re-examine grant and aid programs and not get into new fields. We felt that this was the type of reminder that our Congressional delegation should receive. It was felt that in this type of programs of matching funds, the amount of money never did seem to come back to the State, The committee felt quite strongly that this resolution should pass."

Question being on the adoption of the resolution.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Seventeen Senators having voted in the affirmative, the Chair declared that the vote was manifestly in the affirmative.

Senator Cleveland then demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Rhodes, Holmes, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Paquette and Rainie.

The President announced that he would vote in the affirmative.

Senator Paquette requested that he be allowed to change his vote from the negative to the affirmative.

The President recognized Senator Rogers:

"Mr. President, I wonder if the Senate realizes that this puts us on record as being opposed to any new grants or aids. It means that we stand against accepting any new grants or aids."

The Chair inquired of Senator Rogers as to how he had arrived at that conclusion, and asked how this binds this body from accepting any grants or aids if they are passed.

Senator Rogers replied that he believed "that as individuals we stand against this granting of federal grants or aids."

The President recognized Senator Holmes:

"Mr. President, I thought this was not the time for making remarks. I stand on record in the committee that I passed. The committee unanimously voted me down. However, on the roll call, I voted 'yes' because I am in favor of the principle of the resolution, although I think it should have been rewritten."

The President announced the result of the roll call vote.

Twenty-one Senators having voted in the affirmative, and one Senator having voted in the negative, the affirmative prevailed, and the Concurrent Resolution was adopted.

SB 112, An Act legalizing action taken at the town meeting held in the town of Derry in March, 1957. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

The report was accepted.

Amend said bill by inserting after section 1 the following new section:

2. *Authorization.* The indebtedness of \$1,317,100 authorized at said adjourned meeting to finance the construction and equipping of a sewage disposal plant, interceptors connecting said sewage disposal plant to the present sewer system and the construction of certain other replacements and enlargements of said sewer system in said town, all for the purpose of pollution control, shall be in excess of the debt limit provided in RSA 33 as amended by 1955, 329 and shall not be included in computing the debt of said town under said limitation or any other limitation on its indebtedness.

Further amend said bill by renumbering section 2 to read section 3.

The President recognized Senator Bennett:

"Mr. President, the original bill was to legalize the proceedings of the adjourned town meeting in Derry, taking care of any technicalities or errors that might have arisen in taking the vote enabling the town to incur the indebtedness. The amendment provides the authorization for the town to exceed its debt limit for such sewage construction."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

HB 207, An Act relative to the salary of the justice of the Salem municipal court. Report of the Committee on Engrossed Bills (Senator Horner): Report the same under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first two lines thereof and inserting in place thereof the following:

1. *Salem Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1; 182:1; 279:1; 296:1 and 1957, 66:1 by adding at the end thereof

Further amend said section 1 of said bill by inserting after the words "In Milford, six hundred dollars" the words, In Haverhill, eight hundred dollars.

On a *viva voce* vote, the Senate voted to concur in the adoption of the above amendment.

On motion of Senator Caron, the Senate went into afternoon session, and when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 112, An Act legalizing action taken at the town meeting held in the town of Derry in March, 1957.

SB 113, An Act providing for town advisory committee.

HB 110, An Act relative to so-called bob houses for ice fishing.

HB 184, An Act relative to the taking of pheasants.

On motion of Senator Holmes, the Senate adjourned at 11:40 to meet next Tuesday morning at 11:00 o'clock.

TUESDAY, APRIL 16, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed to the floor of the Senate:

Mr. and Mrs. Arthur Chesley of Lyme Center, who were the guests of Senator Bennett.

Mrs. Chesley, who is the New Hampshire Mother of the Year, was escorted to the rostrum at the request of the President. She expressed appreciation of the honor recently bestowed upon her, and also her happiness in the opportunity of visiting the Senate this morning.

Three daughters and a grandson of Mr. and Mrs. Chesley were welcomed to the gallery of the Senate by the President. Mrs. George Burgess, Lyme; Mrs. Hoyt Briggs, Johnson, Vermont; Mrs. Robert Smith, Reading, Vermont; and Larry Hoyt Briggs of Johnson, Vermont.

### House Message

The House of Representatives has passed the following bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 99, An Act relative to the salaries of the members of the board of public works of the city of Laconia.

HB 276, An Act relative to justices of the Laconia municipal court.

HB 298, An Act to enforce sanitation for railroad employees.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 241, An Act relating to wilful concealment of merchandise in stores.

The message further stated that the House of Representatives has voted to request the Honorable Senate to return the following entitled bill for further consideration:

HB 299, An Act relative to benefits under the policemen's retirement system.

On motion of Senator Merrill, the Senate voted to accede to the request of the House for the return of the above entitled bill.

On further motion of the same Senator, the Senate voted to vacate the order whereby the above entitled bill was referred to the Committee on Finance, and the bill was returned to the House for further consideration.

### **Introduction, First and Second Reading of House Bills**

The above bills passed by the House were introduced, read a first and second time, and referred as follows:

HB 99 to the Committee on Ways and Means.

HB 276 to the Committee on Ways and Means.

HB 298 to the Committee on Labor.

### **Committee Reports**

HB 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this was a raise from \$1800 to \$2500. It was unanimously concurred in by all the members of the Portsmouth delegation."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 287, An Act relative to meetings of the council of Portsmouth. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Portsmouth Charter*. Amend 1947, 398:18, as amended by 1953, 320:1 by striking out the word "Thursday" in the eighth, ninth, and tenth lines, and inserting in place thereof the word, Monday, and by striking out the words "seven o'clock" in line six and inserting in place thereof the words, at some time between seven and eight-thirty o'clock, to be set by the Council, so that said section as amended shall read as follows:

18. *Meetings.* All meetings of the council shall be public. Regular meetings shall be held at some time between seven and eighty-thirty o'clock in the evening on the first Monday of each month, providing when said first Monday shall fall on a legal holiday the meeting shall be held on the second Monday of the same month, and at such other times as are required by this charter. Special meetings may be had upon notice delivered to each councilman by the city clerk at the request of the mayor, the manager or a majority of the councilmen. The council shall establish its own rules. A majority of the council shall constitute a quorum for the transaction of business .

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, I will speak on both the amendment and the bill. This is a local matter involving Portsmouth. They wanted to amend their charter so that they might set the time of their meetings with more flexibility."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 96, An Act relating to the Pembroke Street Village District. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill has to do with the zoning of the road which lies just south of Concord on Route 3 in the Village of Pembroke and which is known as Pembroke Street. Many nice homes have been erected there and the owners of these homes are anxious to protect themselves. One junk yard has already set up a business there and the owners of these nice homes want to prevent any further or similar occurrences. This establishes a Village District, confirms and legalizes it. This covers about two or three miles but does not include any other part of the town of Pembroke."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.



HB 226, An Act relative to town appropriations for band concerts. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, for many years there has been a restriction as far as towns and cities are concerned with reference to the amount of money that can be appropriated for band concerts. This has been set at \$800 for a long time. In the town of Hampton, they have a problem because of the band concerts for their summer season. This legalizes the situation which has existed. Times have changed. Money standards are different and so it seemed wise to take the limitation off altogether and leave it to the good judgment of the towns themselves as to how much they should spend."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 277, An Act relative to the government of town and school meetings. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill does three things which are calculated to make a little more effective the machinery for town meetings and school meetings. It provides that an assistant moderator may be appointed under this bill. This is optional. The explanation given by Representative Davis of Conway, who is the sponsor of this bill, is that the moderator, under the present law, is supposed to be doing two things at the same time. The appointment of an assistant moderator would allow these operations to be handled more effectively. This same situation could also be corrected in connection with school meetings. This also provides for inspectors at school meetings. There is a provision made in the bill for the appointing of four inspectors to take care of details in a school meeting. These provisions may or may not be adopted."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 353, An Act legalizing the annual town meeting held in the town of Lyndeborough, March 12, 1957. Report of the

Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this is one of those bills which provide for the legalization of a meeting as to which there is some doubt of the legality. A mere formality and corrects a minor discrepancy which might interfere with the bonding or some other activity of the town."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 78, An Act relative to salaries of court stenographers. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this has to do with an increase in the salaries of the court stenographers. By error, the word 'seven' was retained in this bill and it should be eight and I am going to offer an amendment shortly to remedy that error. The bill itself, as I suggested, has to do with increasing the salaries of court stenographers—an increase of \$1,000. It is substantial, but the committee felt that it was justified. These stenographers are very highly trained — they are in a class by themselves. Very few have the capacity to undergo the strain that they are subjected to. They have such a high degree of ability, which is required, that the committee felt that it was justified in agreeing to this raise. This bill has the approval of the court."

Senator Rainie offered the following amendment:

Amend Section 1 of said bill by striking out the word "seven" in the sixth line and inserting in place thereof the word, eight, so that said section shall read as follows:

1. *Court Stenographers.* Amend RSA 519:26 (supp) as amended by 1955, 271:1 by striking out the words "four thousand five hundred" in the sixth and seventh lines and inserting in place thereof the words, five thousand five hundred, so that said section as amended shall read as follows: 519:26 *Appointment.* The superior court, acting as a body, may

appoint not more than eight official state court stenographers who shall report the proceedings of the superior court of any county to which they may from time to time be assigned by said court. Each court stenographer shall be sworn to the faithful discharge of his duties and shall receive from the state an annual salary of five thousand five hundred dollars. He shall take full notes of all oral testimony and other proceedings in the trial of causes either at law or in equity including the charge of the justice in all trials before a jury and all comments and rulings of said justice in the presence of the jury during the progress of the trial as well as all statements and arguments of counsel addressed to the court, and during the trial shall furnish for the use of the court or either of the parties a transcript of so much of his notes as the presiding justice may direct. He shall also furnish a transcript of so much of the evidence and other proceedings taken by him as either party to the trial may require, on payment therefor by such party at the rate affixed by the court as provided in section 30.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 114, An Act relative to Hooksett school district. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendment.

Senate Bill No. 114. Amend section 1 of said bill by striking out the word eight in the sixth line and substituting in place thereof the word eighty, so that said section shall read as follows:

1. *Debt Limit; Hooksett School District.* In addition to the debt already incurred by the Hooksett School District, said district is hereby authorized and empowered to incur indebtedness by the issuance of bonds or notes in the amount of two hundred and ten thousand dollars, which will make the total outstanding indebtedness of the said school district not to exceed the amount of two hundred eighty thousand dollars. Except as otherwise herein provided said bonds or notes shall be issued in accordance with RSA 33.

The report was accepted.

The President recognized Senator Rainie:

“Mr. President, this merely corrects an error in the original bill and an error which appeared in the printed bill. The amount was mistakenly typed in this bill as \$208,000. It should be \$280,000. Apparently, someone attempted to amend this on their own and they have inserted the figure. This must be cleared by an amendment. This bill merely has to do with the debt limit. It extends the debt limit to \$280,000. A member of the Tax Commission appeared and presented evidence that it was entirely justifiable.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 221, An Act relative to the Laconia Home for the Aged. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass with amendment.

Amend section 2 of said bill by striking out the words “and said institution being exclusively for uses and purposes of public charity its property shall be exempted from taxation,” in lines 11 and 12, so that said section shall read as follows:

2. *Holding Property.* Amend section 2 of chapter 242 of the Laws of 1907, as amended by chapter 289 of the Laws of 1917, by striking out the words “to an amount not exceeding five hundred thousand dollars” so that said section as amended shall read as follows Sec. 2. Said corporation by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall have power to take and acquire and hold real and personal estate by lease purchase, donation, bequest, or otherwise, for the purpose of establishing and maintaining a home at Laconia, aforesaid, erecting suitable buildings, and properly furnishing the same with whatever may be desirable or necessary for the successful operation of said institution; and said corporation shall have the power to convey, transfer, sell, and dispose of real and personal estate.

The report was accepted.

The President recognized Senator Rainie:

“Mr. President, it may save a little time to inform the Senate that the amendment merely strikes out some words that are no longer necessary under the law. These words

appeared in the original bill of many years ago. It is now contrary to the law and we were asked by the Tax Commission to remove these words and that is the purpose of the amendment. Under the original bill, which was written a great many years ago, there was a limitation as to the amount of property that might be held. This takes off that limitation and permits them to hold such amount of property as desired."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills and House joint resolutions:

HB 184, An Act relative to the taking of pheasants.

HB 241, An Act relating to wilful concealment of merchandise in stores.

HJR 21, Joint Resolution relative to aerial geophysical survey of portions of the state.

HJR 30, Joint Resolution in favor of the New Hampshire Veterans Association.

NELLE L. HOLMES

*For the Committee*

The report was accepted.

On motion of Senator Caron, the Senate went into afternoon session.

### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 78, An Act relative to salaries of court stenographers.

SB 114, An Act relative to Hooksett school district.

HB 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court.

HB 96, An Act relating to the Pembroke Street Village District.

HB 221, An Act relative to the Laconia Home for the Aged.

HB 226, An Act relative to town appropriations for band concerts.

HB 277, An Act relative to the government of town and school meetings.

HB 287, An Act relative to meetings of the council of Portsmouth.

HB 353, An Act legalizing the annual town meeting held in the town of Lyndeborough, March 12, 1957.

### Resolution

On motion of Senator Bennett, the following resolution was unanimously adopted:

*Whereas*, Tuesday, April 16 is the twenty-fifth wedding anniversary of his Excellency Governor and Mrs. Lane Dwinell, therefore be it

*Resolved*, That we, the members of the Senate of the New Hampshire State Legislature extend our congratulations to the Governor and Mrs. Dwinell on the happy occasion and our best wishes for many more years of happiness, be it further

*Resolved*, That the Clerk of the Senate transmit to Governor Dwinell a copy of these resolutions.

On motion of Senator Hodgdon, the Senate adjourned at 11:55 o'clock.

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WEDNESDAY, APRIL 17, 1957

The Senate met at 11:00 o'clock.

Senator Packard presiding.

### Introduction of Guests

The President welcomed the following guests to the Senate:

Mrs. Arthur Danforth, former Representative from Manchester; Mrs. Harold Clark of Manchester; and Mrs. Carl Lindh of England and Manchester, all the guests of Senator Packard.

Mr. Paul H. O'Neal and the members of the freshman class of Nashua High School, who were the guests of Senators Holmes and Paquette.

Mr. William P. Boucher, President, Wheeler's Fish and Game Club; Dennis J. Lamb, Jr., Earl R. Munson, Robert E. O'Haire, Charles L. Harris, Lawrence A. Drew, and Raymond K. Conley, Jr., the National President of Paralyzed Veterans

of America, who were all the guests of Senators Lamontagne and Holmes.

### **Introduction, First and Second Reading of Senate Bills**

SB 144, An Act to establish the town of West Lebanon from a part of the territory of the town of Lebanon. Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

SB 145, An Act relative to salary of Strafford County solicitor. Introduced by Senator Karkavelas.

Referred to the Committee on Ways and Means.

SB 146, An Act relative to Swanzey School District. Introduced by Committee on Rules.

Referred to the Committee on Ways and Means.

On motion of Senator English, the printing of SB 146 was dispensed with.

### **House Message**

The House of Representatives has passed the following bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 155, An Act authorizing special number plates for deputy sheriffs.

HB 265, An Act relative to the Gafney Home for the Aged.

HB 292, An Act relative to purchasing liability insurance at state recreation facilities.

HB 368, An Act prohibiting the use of glass containers for the sale of gasoline and other inflammable liquids.

HJR 37, Joint Resolution in favor of Walter H. Burbee.

HJR 43, Joint Resolution in favor of Fletcher P. Forsyth.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 67, An Act relative to extension of time for making up list of poll taxes.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 207, An Act relative to the salary of the justice of the Salem municipal court.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 110, An Act relative to so-called bob houses for ice fishing.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 26, An Act establishing a department of personnel under the direction of a personnel commission.

### **Introduction, First and Second Reading of House Bills**

The above bills passed by the House were introduced, read a first and second time, and referred as follows:

HB 155 to the Committee on Transportation.

HB 265 to the Committee on Ways and Means.

HB 292 to the Committee on Finance.

HB 368 to the Committee on Judiciary.

HJR 37 to the Committee on Claims.

HJR 43 to the Committee on Claims.

### **Committee Reports**

SB 134, An Act to legalize the proceedings of a special meeting of Goffstown and to permit it to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, as the title states, this bill is a legalization bill. There was no opposition. No very apparent reason for the bill. They have a problem down there and the town wished the action to be legalized."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 135, An Act granting the attorney general subpoena power in certain cases.



Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill, or rather a similar one, was passed by the Senate two years ago, but it did not receive favorable action by the House. More than 27 states give their attorney generals this power in certain cases. In 8 states they have subpoena power without limitation, but in the others, there are limitations. This bill would give the attorney general limited subpoena power only when used in investigation ordered by the Governor or the Governor and Council. Without this power, any investigation by the attorney general would be almost impossible. By the passage of this bill, any investigation that he was ordered to make would be more effective."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 130, An Act relative to right of way for highway purposes through state hospital land.

Report of the Committee on Public Works (Senator Bennett): Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, it appears that in the construction of a new section of the highway in the interstate system, certain parts ran on land owned by the state hospital and it was determined that provisions of the law provide that no land of the hospital shall be taken for a highway except by permission of the legislature. This bill will permit the taking of this land owned by the state hospital for a highway in the Hopkinton section of the federal system. There was no objection. I contacted the superintendent of the state hospital and there was no objection on his part."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 75, An Act naming Bear Brook State Park the Floyd Cole State Park.

Report of the Committee on Resources, Recreation and

Development (Senator Horner): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Bennett: "Mr. President, the only reason that this bill was reported out of committee as inexpedient is because of the fact that those who were interested in its passage have made other arrangements with the recreation commission. This report meets with the approval of the sponsor of the bill."

On a *viva voce* vote, the resolution of the committee, inexpedient to legislate, was adopted.

HB 275, An Act relative to taking brook trout. Report of the Committee on Fisheries and Game (Senator Rhodes): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Rhodes:

"Mr. President, the Fish and Game Commission met last year and set up the fishing regulations for the coming year. If this bill was passed at this time, it would create so much confusion that it could not be enforced. By unanimous vote of the Committee on Fisheries and Game, this bill was reported as inexpedient to legislate."

On a *viva voce* vote, the resolution of the committee, inexpedient to legislate, was adopted.

HB 252, An Act providing for an official state bird. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass.

The report was accepted.

The President recognized Senator Bennett:

"Mr. President, I am happy indeed that the Chair has reserved the most important bill of the day for final action of the Senate. Your committee held a hearing yesterday on this bill which lasted for about 45 minutes and our recommendation by a vote of 4 to 1 was that it ought to pass. Some evidence at the hearing revealed that people were favorable to the purple finch, but one felt that it was not well enough known in the state. This bill had already passed the House and had been thoroughly aired in committee and on the floor. One favorable reason was that the purple finch is already the unofficial bird of the state. These are the reasons for reporting the bill today as ought to pass."

Senator Cleveland:

"Mr. President, I rise in opposition to this bill. For reasons already stated on the floor last Thursday, I think that the most objection to the purple finch is that it is migratory. I do not believe that we should adopt a bird that does not stay with us during the winter, but leaves us and goes south. In addition, I might say that I do not believe Senator Bennett's statement that the purple finch is already our unofficial bird is sufficient reason to make it our official state bird. I am rising to ask my colleagues in the Senate to vote against this bill."

Senator Lamontagne:

"Mr. President, I am in favor of the passage of the bill. I believe that there are many women throughout our state who have spent a great deal of time in looking up this information relative to the purple finch. At the hearing yesterday, when I went on record as favoring this piece of legislation, many spoke in favor of this bird. I know nothing about birds, but after listening to many of the people yesterday, and the letters which I have received asking support for this bill, I do believe these people know what they are talking about. Members of some of the Garden Clubs, who are interested in this bird, have given their reasons, and I do believe they know more than I do about these things."

Senator Adams asked Senator Cleveland:

"I notice that you oppose this purple finch. Do you have any suggestions to offer?"

Senator Cleveland replied:

"In answer to your question, I know you are on record as supporting the sparrow or rail bird, but I would like to have a bird that stays here all the year round, such as the bluebird, chickadee, etc. This purple finch is not a New Hampshire bird, I believe that is the crowning irony."

Senator Adams:

"While I am on my feet, I would like to say that I have had numerous communications on this matter, but one of my constituents, a great friend of mine, and a farmer, told me that he favored the crow and wanted my support. I have already mentioned another bird, as Senator Cleveland has

stated, but in view of my constituents wanting the crow, I want to go on record as supporting the crow.”

Senator DeLude:

“Mr. President, I was preparing to attend the meeting yesterday and appear in opposition to the purple finch, but I was told that the Chairman of the Committee had ruled, unless there was objection, that the discussion would be confined to the purple finch. It would be my suggestion at this time, to recommit this bill, or to commit it to another committee, for further study.”

Senator Humphreys:

“Mr. President, I attended the hearing yesterday on this bill and I was a little astounded at the beginning of the hearing for the chairman to state that the people there could either speak for or against the purple finch, but could not mention any other bird. It occurred to me that probably was a ruling intended to prevent deterring from the subject of the bill. But it seemed to me that it would be practically impossible for the opposition to give any good argument and not mention any other bird. The opposition appeared to be at a loss for words. I think this is the reason for the bill being reported as ought to pass. Perhaps it was done unintentionally and with the thought that there was no opposition. I move that this bill be committed to the Committee on Public Health, Welfare and State Institutions who will hold a hearing at which the opposition will be allowed to talk as much as they want to about any bird they want to.”

Senator Rhodes:

“Mr. President, I want to speak against the motion and in favor of the passage of the bill. I do not know much about birds, but after listening to people who know more than I do, and after 8 years of having this same situation come up each session, I am in favor of getting it out of the way.”

Senator Rogers:

“Mr. President, I am speaking against the motion to recommit. I am a member of the committee. It is true that the chairman made a ruling at the beginning of the hearing, but it has been my understanding that the chairman of any legislative committee has considerable authority. This is not out

of order. If any member of the committee had chosen to question that ruling, it should have been done at that time. The committee always has the right to overrule the chairman on a ruling. It seems to me that when done by other members of the Senate who are not members of the committee, it is not appropriate. It appeared to me that the hearing was well conducted and I believe the only ones who appeared and objected are members of this Senate who have already been given an opportunity several days ago to express their choice and still have an opportunity here today. I believe that this movement is being done with deliberate intent. I do definitely object to this motion to recommit."

Senator Karkavelas:

"Mr. President, I do not know much about the conduct of the hearing held yesterday, but I do believe that any Senator has the right to speak at any hearing. But in view of the fact that the committee sustained the chairman, therefore, I would be in opposition to the motion. I am in favor of the purple finch being our state bird. I have had many telephone calls and have received mail in support of the purple finch."

Senator Daniel:

"Mr. President, I did not attend the hearing yesterday. I believe that in hearings, as long as the word 'bird' is still the subject, members should have a chance to speak about other birds."

Senator Lamontagne:

"I am in opposition to the present motion. At the hearing yesterday, any amendment could have been presented to that committee and the committee would have considered and voted on that amendment. At this time, I hope that the above motion will be killed and the report of the committee accepted."

Senator Bennett:

"I wish to comment on the remarks of Senator Daniel. The bill clearly states the purple finch. My intent was to conduct an orderly public hearing. I made the remark, if there was no objections, I would make this rule. . . . There was no opposition or comment. Senator Humphreys made the same remarks — he neither spoke for or against the bill. He just made the statement and criticism."

Senator Humphreys:

"I just want to make it clear that I did not attend the hearing yesterday, as Senator Bennett stated, 'to make criticism.' I attended the hearing to find out what the proponents would have to say about the purple finch and what the opponents would say about any other bird. I don't recall the chairman making any mention at all about this would be the ruling if there was no objection. I do not feel that the hearing gave the opponents of the bill a fair chance. It is a matter of principle. I am not sure that I am in favor or not about the purple finch. I believe that the bill should be recommitted to another committee."

Senator Daniel:

"I will go along with the committee report, after hearing the explanation of Senator Bennett."

Senator Caron moved the previous question. Seconded by Senator Lamontagne.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Question being on the motion of Senator Humphreys, that the bill be committed to the Committee on Public Health, Welfare and State Institutions.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator Humphreys demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: DeLude, Anderson, Paquette, Caron, Adams and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, Rhodes, English, Holmes, Rainie, Provost, Daniel, Karkavelas and Merrill.

Six Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

The President recognized Senator Rainie:

"Mr. President, in some cases, I take my wife's word as final. She has told me and I believe the red robin should be our state bird. It is the bird that we all look for in the spring, and one which we always welcome seeing."

Senator Paquette:

"I would suggest the beautiful white dove. It means peace, etc., and certainly New Hampshire believes in peace. Let's have the white dove for our bird. I move that this matter be laid upon the table and made a Special Order of Business for next Tuesday at 11:01 o'clock. Let's stop and think this over."

Senator Bennett:

"Opposed to that motion. I believe we should dispose of this today, right here and now."

Senator Karkavelas:

"I am against the motion. I agree with Senator Bennett that we should discuss all this today."

Senator Holmes moved the previous question.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Question being on the motion of Senator Paquette, and a division vote was requested.

Eight Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Humphreys moved that this bill be indefinitely postponed.

On this question, Senator Rainie requested a division.

Ten Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being, Shall the bill be ordered to a third reading?

On this question, Senator Karkavelas demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Bennett, Rogers, Anderson, Rhodes, English, Holmes, Provost, Karkavelas, Adams and Merrill.

The following named Senators voted in the negative: Horner, Hodgdon, Cleveland, DeLude, Paquette, Rainie, Caron, Daniel and Humphreys.

Twelve Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative pre-

vailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

The President recognized Senator Cleveland:

"Mr. President, I wish to serve notice that I will ask for a reconsideration of the vote on the above entitled bill at some future date."

On the motion of Senator Caron, the Senate went into afternoon session.

### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 130, An Act relative to right of way for highway purposes through state hospital land.

SB 134, An Act to legalize the proceedings of a special meeting of Goffstown and to permit it to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt.

SB 135, An Act granting the attorney general subpoena power in certain cases.

The following entitled bill was read a third time:

HB 252, An Act providing for an official state bird.

Question being on the final passage of the above bill.

On this question, Senator Lamontagne requested a division vote.

Ten Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed.

Senator Rogers demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Bennett, Rogers, Anderson, Rhodes, English, Holmes, Provost, Karkavelas and Merrill.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Cleveland, DeLude, Paquette, Rainie, Caron, Daniel, Adams and Humphreys.

Ten Senators voted in the affirmative, and eleven Senators voted in the negative, the President stated that he would vote in the affirmative.

Result of the vote: Eleven Senators having voted in the affirmative, and eleven Senators having voted in the negative, it was a tie vote, and the bill did not pass.



Senator Caron requested a two minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

The President recognized Senator Adams:

"Mr. President, I wish to serve notice that having voted in the affirmative whereby this bill was ordered to a third reading, I intend to ask re-consideration of this matter at some future date."

Senator Caron requested a ruling of the Chair as to whether or not this bill is dead at this time.

The Chair stated:

"The Chair understands that the bill is dead, not having had a sufficient number of votes to pass."

The above information was confirmed by the Counsel of the Senate, Mr. Murphy.

The President recognized Senator Adams:

"Mr. President, the vote I referred to was when I voted with the prevailing side on the final passage of this bill. I wish to serve notice that I will ask re-consideration of this vote at some future date."

Senator Cleveland moved that the Senate do now adjourn. Seconded by Senator Caron.

Senator Karkavelas demanded a roll call on the above motion.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: O'Brien, Horner, Hodgdon, Cleveland, DeLude, Anderson, Paquette, Rainie, Caron, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, Bennett, Rogers, Rhodes, English, Holmes, Provost and Daniel

Thirteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the motion prevailed.

The Senate adjourned at 12:50.

THURSDAY, APRIL 18, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the Senate:

Mrs. Robert English, who was the guest of Senator English.

Mrs. Gordon Tiffany and daughter Jane with her Easter bunny "Pinky" who were the guests of Senator Rainie.

The students of North Walpole Elementary School with Instructor Thadeus Dulski in charge, who were the guests of Senator Rhodes.

Messrs. Joseph M. Corwin of Portsmouth, Cary P. Davis of Manchester, Albert C. Wennberg of Portsmouth, Edward J. Abbott and Robert H. McCann both of Portsmouth, all being the guests of Senator Humphreys.

### Communications

President of the Senate  
State House  
Concord, N. H.

DEAR MR. PRESIDENT:

This office has received from the Secretary of State of Idaho a copy of House Concurrent Resolution No. 6, adopted by the 34th Session of the Legislature of the State of Idaho and titled "A Concurrent Resolution Making an Application to the Congress of the United States Pursuant to Article V of the Constitution of the United States for a Convention for Proposing an Amendment to the Constitution of the United States." Said resolution is on file in this office.

Very truly yours,

HARRY E. JACKSON  
*Secretary of State*

President of the Senate  
State House  
Concord, N. H.

DEAR MR. PRESIDENT:

This office has received a Joint Resolution passed by the

State of New Mexico and titled "A Joint Resolution Requesting the Congress of the United States of America to Propose an Amendment to the Constitution of the United States Relative to the Balancing of the Budget." Said resolution is on file in this office.

Very truly yours,

HARRY E. JACKSON

*Secretary of State*

### House Message

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 31, An Act providing that temporary loans may be made for a period not exceeding one year.

SB 93, An Act legalizing the school district meeting held in Hampton Falls on March 8, 1957.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 287, An Act relative to meetings of the council of Portsmouth.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 221, An Act relative to the Laconia Home for the Aged.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Karagianis of Laconia, Lamprey of Moultonborough, and Galloway of Walpole.

On motion of Senator Rogers, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Rogers and Rainie.

### Committee Reports

SB 28, An Act relative to the legalization of town or school district meetings.

Report of the Committee on Judiciary (Senator Humphreys): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this was introduced by myself. I hoped to establish procedure whereby the Governor and Council could legalize some of these meetings, using the attorney general's office. Sometimes the progress of this Legislature is hampered by the introduction of quite a number of bills that are merely routine in the legalizing of town or school district meetings and I had felt that by the passage of this bill, it would correct this situation. However, it was finally decided that it would be impossible to work out and therefore the committee voted it as inexpedient to legislate."

On a *viva voce* vote, the recommendation of the committee, inexpedient to legislate, was adopted.

HB 288, An Act relative to preparation and posting of check lists in the city of Portsmouth. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, the purpose of this bill was to amend the charter of the city of Portsmouth. The present charter says that every time there are 100 changes in the entire check list for the city the check list must be reprinted. This bill changes that so that the check lists do not have to be reprinted unless there have been 100 changes made in any one of the wards."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 119 (in new draft), An Act relative to exclusion of certain public utilities from filing provisions. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, the purpose of this bill is to make un-

necessary the requirements for certain public utilities having to file and receive permission from the Public Utilities Commission on stock issues that are already under the control and complete jurisdiction of the interstate commerce commission. The law says the federal decision is final and this just clarifies any doubt there might be about that."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 117, An Act relative to cemetery trust funds. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill attempts to do something about the following problem: Apparently, some of the money left to cemeteries in trust yield more income than is necessary to maintain the small price involved. The question arises whether or not these funds can be used for the general maintenance of the grounds. It developed at the hearing that this was quite a common occurrence through the state. I think as a practical matter, some of the trustees of these trust funds are using these funds not only for one lot, but the entire cemetery grounds. This bill authorizes the use of these excess funds for the general use in the cemetery. Of course, if cemetery trust funds state that the funds are to be used only for that lot, this will not cover. If funds of the trust fund become depleted, then the town will have to maintain the lot."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 45, An Act providing for a deputy superintendent at Laconia State School. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass.

The report was accepted, and the bill was referred to the Committee on Finance under the rules.

SB 43, An Act relative to limitation on committals to the Laconia State School. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass with amendment.

The report was accepted.

Amend section 1 of said bill by striking out the word "each" in line 4 and inserting in place thereof the word, this, and by inserting after the word "fix" in line 5, the words, for the period ending June 30, 1959, so that said section as amended shall read as follows:

1. *Laconia State School.* Amend RSA 171 (supp) as inserted by 1955, 314 by inserting at the end thereof the following new section: 171:23. *Limitation on Committals.* At the first meeting of the trustees following the end of this biennial session of the legislature, the trustees shall fix for the period ending June 30, 1959, a total population figure for Laconia State School which shall be based upon available facilities at the school as well as legislative appropriations approved for the school for the biennium and such total population figure shall be submitted to the governor and council for their consideration. Following approval of a total population figure for the school by the governor and council, the trustees and/or superintendent of the school shall not be required to accept committals which would cause the total population of the school to exceed such approved figure and this section shall prevail against any other provision of law pertaining to committals to the school.

The President recognized Senator DeLude:

"Mr. President, this is a new section limiting the committal to the Laconia State School. The amendment simply provides that this shall be in effect until the end of June, 1959. The reason for that is this: There is now in the capital budget an item for construction of a building to house 112 people. It is felt that this would certainly ease the pressure that is now on the school as far as school capacity is concerned. Therefore, the committee recommended that this shall be in effect only until June, 1959."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 44, An Act relative to compensation of inmates of Laconia State School.

Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass with amendment.

The report was accepted.

Amend section 171:19-B as inserted by section 1 of said bill by striking out the word "shall" in line 2 and inserting in place thereof the word, may, so that said section as amended shall read as follows: 171:19-B. *Source of Payment; Control of Compensation.* Such pecuniary compensation, when allowed, may be paid out of such money as may be available for current expenses of the school may be the subject of a budget request. Any money accruing to an inmate under the provisions hereof shall be and remain under the control of the trustees, to be used for the benefit of the inmate or his estate under such regulations as to time, manner and amount of disbursement as the trustees may prescribe.

The President recognized Senator DeLude:

"Mr. President, the amendment is a very minor one. Throughout the bill it says 'may' instead of 'shall'."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### **Majority — Minority Committee Report**

SB 41, An Act relative to trustees of the Laconia State School. Report of a Majority of the Committee on Public Health, Welfare and State Institutions (Senators Adams, Humphreys, Paquette): Ought to pass.

Report of a Minority of the Committee on Public Health, Welfare and State Institutions (Senators DeLude and Rainie): Inexpedient to legislate.

The reports were accepted.

The President recognized Senator DeLude:

"Mr. President, I move that the report of the Minority, inexpedient to legislate, be substituted for that of the Majority, ought to pass."

(Discussion ensued)

Senator Adams:

"Mr. President, I rise in opposition to the motion to substitute. I sponsored all of these bills for the New Hampshire Association for Retarded Children. This group is composed of parents of children at the Laconia State School and also includes parents of mentally retarded children. I would like to make it very clear that this does not put a severe limitation

on the appointment of trustees. This bill merely provides that the Governor, in making his appointment to the Board of Trustees for the Laconia State School, must at all times have one parent of a mentally retarded child on the Board of Trustees. This does not mean that it must be a parent of a child in the school. I think it is going to be argued here that it is unwise to have a parent on the board controlling an institution who will be bound to be guided by the mere fact of his close association with the institution. I think that is very faulty reasoning. I believe it will be very helpful. He is going to provide a link between the controlling board of the school and this association. I would explain briefly what the Association does. It is a very well organized group and they take up the problems that arise at the school and with families throughout the state. They have an understanding of the problems of this type of persons. They are the people really interested in the program that is carried on there at the state school to return as many of these children to society as is possible. The state should be interested in this as the sooner they are able to be returned, it makes room for more children there. We have already passed a bill to limit the committals at the Laconia State School. It was necessary to do this as the school is tremendously overcrowded. If it were a private institution, it would not even be licensed by the state board. The only way to remedy this would be to build more buildings. I say that this bill is vitally necessary to the school and will be of special benefit to the school and will not be a detriment. It is going to be argued that somebody is going to be out of a job by the passage of this bill. The person who will not be re-appointed, will probably not even be a candidate for re-appointment. I understand the person has served many years on the board, is quite elderly, and not interested in re-appointment. I do not believe this is a point of argument. There are seven members on this board of trustees; six appointed members and one member of the Governor's Council who is a member. One vote on a seven member board is not going to have such great influence that it will throw the whole management of the Laconia State School into a great dither, but as I have said before, it will certainly provide a link between the controlling board of the school and a group of New Hampshire citizens most vitally interested in the operation of the state school. I ask that this motion be defeated."



(Senator Merrill in the Chair)

The President recognized Senator DeLude:

"Mr. President, I don't think there is anybody in the Senate Chamber who wishes to help the Laconia State School more than I do. But after talking with many authorities on the problem of mentally retarded children who state that it is almost a proven fact that it is unwise to have a natural parent on the Board of Trustees of a school of that sort, I believe that it is not wise. As Senator Adams says, it will take one person off the board. I don't approve of that. I took a stand on that before and my stand is still the same. If I sincerely felt that the parents of mentally retarded children were going to benefit the school in any way, I would not be in opposition to this bill. Up until 1950, there was a natural parent of a retarded child on that board. Up to that time, we were not doing the job that we should have been doing. In the past six years, we have accomplished more for the school than ever before. I realize that this group is interested in what it is doing, and if I sincerely felt that it serve any purpose, I would not be bringing in a minority report. I do not believe that this would benefit the school in any way."

The President recognized Senator Humphreys:

"Mr. President, I wish to speak in opposition to the adoption of the minority report. I believe that in the past few years while there has not been any parent of a mentally retarded child on the board little enough has been done, and perhaps more would have been done if we had had a parent on the board. I want to say this, that there are several thousand mentally retarded children in the state of New Hampshire. They are not all at the Laconia State School. In fact, only a small percentage are there. There are probably five or ten thousand parents of mentally retarded children in this state of New Hampshire and many of them are very well qualified to serve as a trustee. We invited the superintendent, Dr. Hungerford, to appear before the committee and express his views. He stated that he felt that it would be of help to him to have the parent on the board. The bill does not provide for putting anyone out of a job as a trustee, since it states that provisions of the act shall not be construed as such. Also the fact that the trustee whose term is due to expire during the next year is well over 80 and has served well, but has

intimated that he will not run again. Also, the superintendent told us that it is not unusual for schools of this type, or similar type, to have on the board of trustees one or more of the people who are interested as a parent would be in this case. I would ask the Senate to accept the report of the majority."

Senator Rainie:

"Mr. President, in the first place, I feel very strongly that it is unwise for the Legislature to tell the governor that he must appoint a person with a special interest to any board. I believe it is up to the governor to pick a person for the appointment who has patience, temperance, etc. which will be of aid in the administration of the school. It should not be a person who has such a personal interest. I cannot emphasize that too strongly. This has been my first contact with the Laconia State School and I confess that I am at a loss for words to express my feeling. I believe that the State of New Hampshire is remiss in its duty to these children. I see this Legislature spend money right and left and these unfortunate children are herded like animals. Why — because we do not have adequate accommodations for their care. With 800 children where there should be 600. This large group — children — and children in mind — who require more attention than the normal person does. There is not adequate attention paid to them. This is a terrible situation. From what I know, it is the worst example of the negligence of the Legislature and the people of New Hampshire that I can imagine. Our first hearing was attended by a group of people so emotionally upset, it was terrible. . . ."

Senator Ferguson spoke at length in favor of the motion to substitute.

Senator Paquette spoke against the motion to substitute.

Senator Daniel spoke against the substitution.

Senator Rogers spoke in favor of the motion to substitute.

Senator Cleveland stated:

"Mr. President, it is my understanding if the minority report does not prevail, that the committee has available an amendment to this bill that will amend it so that it will broaden the scope by inserting after parent, the words 'or blood relative' and as I understand it, Senator Adams would not oppose such an amendment."

Senator Lamontagne moved the previous question. Seconded by Senator Adams.

On a *viva voce* vote, the affirmative prevailed.

(Senator Ferguson in the Chair)

Question being on the motion to substitute.

Senator Karkavelas requested a division.

Eleven Senators voted in the affirmative. Twelve Senators voted in the negative.

The President announced that he would vote in the affirmative.

Twelve Senators having voted in the affirmative, and twelve Senators having voted in the negative, the Chair announced that the motion did not prevail.

Question being on the adoption of the report of the majority, ought to pass.

Senator Adams offered the following amendment: Amend section 1 of the bill by adding after the words "natural parent" the words, or a blood relative, so that said section as amended shall read as follows: 1. *Laconia State School*. Amend RSA 10 by inserting after section 2 the following: 10:2-a. Trustees, of the appointive members of the Board of the Trustees of the Laconia State School, at least one of such members shall be a natural parent or a blood relative of a mentally retarded child.

(Discussion ensued)

Senator LeDude spoke in opposition to the amendment.

(Senator Merrill in the Chair)

Senator Adams spoke in favor of the adoption of the amendment.

Senator Ferguson spoke against the amendment.

Senator Cleveland moved the previous question. Seconded by Senator DeLude.

Senator Adams requested a division.

Twelve Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the motion carried.

Question being on the adoption of the amendment offered by Senator Adams.

Senator Karkavelas demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Bennett, Cleveland, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Horner, Hodgdon, Rogers, DeLude, Anderson, Rhodes, English, Holmes, Ferguson and Bergeron.

Twelve Senators voted in the affirmative, and eleven Senators voted in the negative. The Chair announced that he would vote in the negative, and the motion was lost.

(Senator Ferguson in the Chair)

Senator Bergeron moved that the bill be indefinitely postponed.

(Discussion ensued)

Senator Adams spoke against the motion.

(Senator Rogers in the Chair)

Senator Cleveland moved the previous question. Seconded by Senator Caron.

Senator Rogers declared a one minute recess.

(Recess)

The Senate re-assembled.

Senator Bergeron withdrew his motion that the bill be indefinitely postponed.

Question being, Shall the main question now be put?

Senator Lamontagne requested a division.

Nineteen Senators having voted, the Chair stated that the vote was manifestly in the affirmative by the required two-thirds vote, and the motion prevailed.

Question being on the adoption of the Majority report of the Committee, Ought to pass.

Senator DeLude demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Bennett, Cleveland, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative:

Horner, Hodgdon, DeLude, Anderson, Rhodes, English, Holmes, Ferguson, Rainie and Merrill.

Thirteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion carried.

(Senator Ferguson in the Chair)

Senator Cleveland attempted to offer an amendment, which was ruled out of order by the Chair in view of the fact that the bill was on its third reading.

The ruling of the Chair was questioned by several members, but no action was taken.

Senator DeLude requested a 30 second recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator Packard moved that the Senate re-consider its vote whereby the committee report, ought to pass, was adopted.

Senator Lamontagne requested a division.

Seventeen Senators having voted in the affirmative, the Chair stated that the vote was manifestly in the affirmative, and the motion to reconsider prevailed.

Question now being on the adoption of the committee report, Ought to pass.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator Cleveland offered an amendment, striking out the words "blood."

Senators Paquette DeLude and Humphreys spoke against the amendment.

Senator Cleveland withdrew his amendment.

Question being, Shall the bill be read a third time?

Senator Adams requested a division.

Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion carried.

On this motion, Senator Lamontagne demanded a roll call. The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Bennett, Cleveland, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Horner, Hodgdon, Rogers, DeLude, Anderson, Rhodes, English, Holmes, Rainie and Merrill.

Thirteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion carried, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Adams moved that the Senate reconsider its vote whereby it ordered the above entitled bill to a third reading.

Senator DeLude demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, Hodgdon, Rogers, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Bergeron and Merrill.

The following named Senators voted in the negative: Lamontagne, O'Brien, Bennett, Cleveland, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams and Humphreys.

Eleven Senators voted in the affirmative, and twelve Senators voted in the negative. The Chair stated that he would vote in the affirmative, making it a tie vote, and the motion to reconsider was lost.

### Report of Committee Conference

The Committee of Conference, to whom was referred House Bill No. 173, An Act relative to apportionment of expenses for forest fires, having considered the same, reported the same with the recommendation that the House recede from its position of non-concurrence and the Senate recede from its position in adopting its amendment and the following amendment be adopted:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Forest Fires.* Amend RSA 224:15 (supp) as amended by 1955, 311:1 by inserting after the word "caused" in the fifteenth line the word, either, and by adding after the word "agents" in the sixteenth line the words, or in cases in which there is negligence on the part of the town or its agents

in collecting said expenses from violators under RSA 224:27, so that said section as amended shall read as follows:

224:15 *Apportionment of Expenses.* The expenses of fighting forest and brush fires in towns, and other expenses lawfully incurred by wardens and deputy wardens of said towns in preventing forest fires, shall be borne equally by the municipallity and the state, except as otherwise herein provided, and except that when in any one town or city fiscal year the net total of sums required for the suppression and prevention of forest and brush fires, excluding the initial cost of fire fighting equipment, to be so borne by such municipality, computed at rates within limits established by the forestry and recreation commission and the state forester, shall equal one-quarter of one per cent of the latest equalized locally assessed valuation on such municipality; expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits above specified. The provisions of this section shall not apply to expenses incurred in fighting any forest or brush fire when, as determined by the state forestry and recreation commission, such fire was caused either by the negligence of the town or of its agents; or in cases in which there is negligence on the part of the town or its agents in collecting said expenses from violators under RSA 224:27. Any determination of the forestry and recreation commission under the provisions of the preceding sentence shall be subject to rehearing and appeal as provided in RSA 541.

2. *Takes Effect.* This act shall take effect upon its passage.

EDWARD J. BENNETT

PAUL E. PROVOST

*Conferees on the Part of the Senate*

BASIL BROADHURST

ROBERT S. MONAHAN

LAURENCE M. PICKETT

*Conferees on the Part of the House*

The report was accepted.

On a *viva voce* vote, the Senate voted to adopt the Committee of Conference Report on the above entitled bill.

The Committee on Engrossed Bills have examined and

found correctly engrossed the following entitled House and Senate bills:

HB 96, An Act relating to the Pembroke Street Village District.

HB 110, An Act relative to so-called bob houses for ice fishing.

HB 207, An Act relative to the salary of the justice of the Salem municipal court.

HB 226, An Act relative to town appropriations for band concerts.

HB 277, An Act relative to the government of town and school meetings.

HB 353, An Act legalizing the annual town meeting held in the town of Lyndeborough March 12, 1957.

SB 67, An Act relative to extension of time for making up list of poll taxes.

PAUL H. DANIEL

*For the Committee.*

On motion of Senator Caron, the Senate went into afternoon session, and that when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 43, An Act relative to limitation on committals to the Laconia State School.

SB 44, An Act relative to compensation to inmates of Laconia State School.

SB 117, An Act relative to cemetery trust funds.

SB 119, An Act relative to exclusion of certain public utilities from filing provisions.

HB 288, An Act relative to preparation and posting of check lists in the city of Portsmouth.

SB 41, An Act relative to trustees of the Laconia State School.

Senator Adams stated that having voted with the prevailing side, he would move that the Senate reconsider its vote whereby it passed SB 41, and requested a division.



Ten Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the motion to reconsider was lost.

### Reconsideration of HB 252

Senator Adams moved that the Senate reconsider its vote whereby HB 252 was killed and urged them to vote yes.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Question being: Shall the bill pass?

Senator Cleveland moved that the Senate do now adjourn, which motion was not entertained by the Chair.

(Discussion ensued)

Senators Cleveland, Rainie questioned the ruling of the Chair.

Senator Bergeron moved that the Senate do now adjourn.

Senator Karkavelas requested a division.

Senator Bennett demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, Hodgdon, Cleveland, DeLude, Paquette, Rainie, Packard, Caron, and Daniel.

The following named Senators voted in the negative: Lamontagne, O'Brien, Bennett, Rogers, Anderson, Rhodes, English, Holmes, Provost, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

Nine Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion to adjourn was lost.

Question being: Shall HB 252 pass?

Senator Packard moved that HB 252 be made a Special Order of Business for Tuesday next at 11:01 and requested a division.

Seven Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion did not prevail.

Senator Karkavelas moved the previous question. Seconded by Senator Holmes.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Question being: Shall HB 252 pass?

Senator Bennett demanded a roll call.

Senator Bennett withdrew his motion.

Question being: Shall HB 252 pass?

On a *viva voce* vote, the affirmative prevailed, and the bill passed.

On motion of Senator Cleveland, the Senate adjourned at 3:10 p. m.

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TUESDAY, APRIL 23, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the Senate:

Mrs. Harold Bean, Mrs. Walter Connor and children Lee and Dale, Mrs. Howard Bouldry, Mrs. Fred Graves, Mrs. Doris Page, and Mrs. Donald Colter, all of Derry, who were the guests of Senator Adams.

Mrs. Carr of Milford, who was the guest of Senator Holmes.

Mr. Douglas Sweet of Keene, member of YMCA Youth Government program, who was the guest of Senators DeLude and Rhodes.

Mrs. Mary Grande, President of the American Legion Auxiliary of Suncook, who was the guest of Senator Ferguson.

The Republican ladies of Belknap and Carroll counties, who were visiting the Senate as a part of the "Legislative Day" program for those two counties, who were the guests of the entire Senate.

### Communication

April 18, 1957

The Honorable Eralsey C. Ferguson

President of the Senate

State House

Concord, New Hampshire

DEAR MR. PRESIDENT:

As Commander-in-Chief of the New Hampshire National Guard and on behalf of Brig. General McSwiney and the officers

and men of the National Guard, I am pleased to extend to you and to all of the members of the Senate, an invitation to visit the State Military Reservation in Concord on Wednesday, May 15.

You will recall that it has been traditional for the General Court to make some observance of Armed Forces Day and it seems appropriate in connection with this observance this year to invite the members of the General Court to view a display of equipment, to tour the Reservation, and to participate as guests of the National Guard in an "Army Mess" luncheon.

The luncheon will be served from 12 to 2, and members of the General Court will be welcome to visit the Reservation at any time during those hours, or later in the afternoon if it is impossible for any members to attend the luncheon.

It would be helpful in making the arrangements if General McSwiney could have some indication of the approximate number to expect not later than May 10.

Sincerely,

LANE DWINELL

### House Message

The House of Representatives has passed the following bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 213, An Act relating to age of committal to the state industrial school.

HB 369, An Act providing a special season for taking black bass with artificial flies only.

HB 371, An Act relative to disposition of fines imposed on appeal to superior court involving fish and game and motor vehicle violations.

HB 387, An Act to amend certain provisions relating to railroad fares and conduct of railroad passenger.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 7, An Act relative to limitation of recovery of damages for wrongful death.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Damages for Wrongful Death.* Amend RSA 556:13 by striking out the words “seven thousand five hundred” in the second line and inserting in place thereof the words, ten thousand; and further amend said section by striking out the word “fifteen” in the fifth line and inserting in place thereof the word, twenty-five, so that said section as amended shall read as follows: 556:13 — *Limitation of Recovery.* The damages recoverable in any such action shall not exceed ten thousand dollars, except in cases where the plaintiff’s decedent has left either a widow, widower, or minor children or a dependent father or mother, when the damages recoverable shall not exceed twenty-five thousand dollars.

On motion of Senator Cleveland, the Senate voted to concur in the adoption of the amendment to the above entitled bill, sent up from the House of Representatives.

SB 88, An Act relative to decrees and certificates of adoption.

Amend said bill by adding after section 1 the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Daniel, the Senate voted to concur in the adoption of the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 54, An Act relative to dogs at large.

Amend section 1 of the bill by inserting after the word “supervision” in the third and ninth and tenth lines the words, the hunter or hunters shall notify the conservation officer of that area of their intent before such hunting, so that said section as amended shall read as follows:

1. *Dogs.* Amend RSA 466:33 by inserting after the

word "year" in the fourth line the words, provided that bear or bobcat may be hunted between April first and June first with dogs under owner's control and supervision, the hunter or hunters shall notify the conservation officer of that area of their intent before such hunting, so that said section as amended shall read as follows:

466:33. *Dogs at Large.* It shall be unlawful for the owner or custodian of any self-hunting dog to permit such a dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where sheep are pastured, between April first and September first of any year, provided that bear or bobcat may be hunted between April first and June first with dogs under owner's control and supervision. The hunter or hunters shall notify the conservation officer of that area of their intent before such hunting. Provided that any organized club may hold an American Kennel Club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which trial is to be held, and shall notify the director of the fish and game department, at least two weeks in advance, of the date and place of the trial. Whoever violates the provisions of this section shall be fined not more than twenty dollars.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

On motion of Senator Bennett, the Senate voted to non-concur in the adoption of the amendment to the above entitled bill, sent up from the House of Representatives, and asks for a Committee of Conference.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Bennett and Rhodes.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 26, An Act establishing a department of personnel under the direction of a personnel commission.

The message further stated that the House of Repre-

sentatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 173, An Act relative to apportionment of expenses for forest fires.

### **Introduction, First and Second Reading of House Bills**

The above bills, passed by the House, were introduced, read a first and second time, and referred as follows:

HB 213 to the Committee on Judiciary.

HB 371 to the Committee on Judiciary.

HB 387 to the Committee on Judiciary.

HB 369 to the Committee on Fisheries and Game.

### **Committee Reports**

SB 51, An Act relative to the salaries of the judges of the probate courts. Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

“Mr. President, this bill does not need much of any explanation. It provides for salary increases ranging from \$500 to \$600 for all the probate judges in the state.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 126, An Act pertaining to new positions and reclassification of positions in the classified service.

Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

“Mr. President, this bill provides for a further tightening up of provisions of creating new positions or upgrading of positions already filled. It provides that no position shall be allowed except with the approval of the Governor and Council. It particularly provides that no upgrading of positions shall be made without approval. It apparently fills a loophole in the present set-up whereby some institutions have created positions other than allowed by the Legislature.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 211, An Act providing for a deputy commissioner of education. Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, first, I would like to say that in the rating of this position, it will not mean a new employee. The State Department of Education had a Deputy Commissioner up until 1950 and then, because of some personalities involved, the position was dropped. At the present time, the Commissioner of Education is charged with specific duties which he alone can perform. The work of the Department is considerably impeded because he has to perform these functions himself and cannot delegate them. The Commissioner is in favor of this bill and the committee concurred. It will be filled by Paul Farnum of the State Board and some duties now performed by him will be delegated to others in the department."

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 82, An Act relative to the salary of treasurer of Rockingham County. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendments.

The report was accepted.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the salaries of the Treasurers of Rockingham and Sullivan Counties.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Rockingham and Sullivan County Treasurers.* Amend RSA 29:14 (supp) as inserted by 1955, 172:2 and 1955, 247:3 by striking out the words "eight hundred" in line 4 and inserting in place thereof the words, one thousand, and by striking out the word "four" in line 11 and inserting in place thereof the word, five, so that said section as amended shall read as follows: 29:14. *Salaries.* The annual salaries of the treasurers of the several counties to be in full for their services and allowances of every kind, except as hereinafter provided, shall be as follows:

In Rockingham, one thousand dollars.

In Strafford, five hundred dollars.

In Belknap, five hundred dollars.

In Carroll, five hundred dollars.

In Merrimack, six hundred dollars.

In Hillsborough, twelve hundred dollars.

In Cheshire, four hundred dollars.

In Sullivan, five hundred dollars.

In Grafton, five hundred dollars.

In Coos, five hundred dollars.

To the foregoing sums shall be added a reasonable sum for all necessary expenses upon order of the county commissioners.

2. *Takes Effect.* This act shall take effect as of January 1, 1957.

The President recognized Senator Cleveland:

"Mr. President, I will speak on the bill and on the amendments. Rockingham County Treasurer's pay was raised by the House from \$800 to \$1200. Our amendment changes that to \$1000. The other amendment raises the Sullivan County Treasurer's pay from \$400 to \$500. Also the title of the bill will be amended to include the salary of the Treasurer of Sullivan County."

On a *viva voce* vote, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 138, An Act legalizing a special meeting of Sullivan school district held January 24, 1957.

Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

The report was accepted.

Amend section 1 of said bill by striking out the words "twenty-six thousand, three hundred and nineteen" in line three, and inserting in place thereof the words, twenty-four thousand, eight hundred and nineteen, so that said section as amended shall read as follows:

1. *Bonds Authorized.* The school district of Sullivan is authorized and empowered to incur indebtedness by the issuance of bonds or notes in an amount of twenty-four thousand, eight hundred and nineteen dollars for the construction



and equipment of an elementary school building. Except as otherwise herein provided the issuance and repayment of any bonds or notes hereunder shall be in accordance with the provisions of RSA 33.

Further amend said bills by striking out the words "twenty-six thousand, three hundred and nineteen" in lines three and four of section 2, and inserting in place thereof the words, twenty-four thousand, eight hundred and nineteen, so that said section as amended shall read as follows:

2. *Proceedings Legalized.* The votes and proceedings of the Sullivan school district at a special meeting held January 24, 1957, relative to the issuance of bonds or notes in the sum of twenty-four thousand, eight hundred and nineteen dollars for the construction and equipment of an elementary school building are hereby legalized, ratified and confirmed and said bonds or notes may be issued accordingly.

The President recognized Senator Cleveland:

"Mr. President, I will speak on both the bill and the amendment. The bill legalizes a special meeting of the Sullivan school district. The reason was, they voted to raise more money than it was possible to do without having a special investigating committee go over there and approve it. Our amendment saves the town of Sullivan of having the special investigating committee go over there. It also reduces the amount of money from \$26,300 to \$24,800."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to permit the introduction of a Committee Report not previously advertised in the Journal.

SB 146, An Act relative to Swanzey School District. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill raises the amount of debt only about \$26,000 more than the 3% which would be legally possible. This is very substantially under the 4½% which

could be granted by an investigating committee. It seemed reasonable that this bill be approved and that this increase in debt limit be allowed."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 252, An Act providing for an official state bird.

SB 26, An Act establishing a department of personnel under the direction of a personnel commission.

SB 31, An Act providing that temporary loans may be made for a period not exceeding one year.

SB 93, An Act legalizing the school district meeting held in Hampton Falls on March 8, 1957.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 51, An Act relative to the salaries of the judges of the probate courts.

SB 126, An Act pertaining to new positions and reclassification of positions in the classified service.

HB 138, An Act legalizing a special meeting of Sullivan school district held January 24, 1957.

SB 146, An Act relative to Swanzey school district.

HB 82, An Act relative to the salaries of the treasurers of Rockingham and Sullivan Counties.

HB 211, An Act providing for a deputy commissioner of education.

On motion of Senator Bennett, the Senate adjourned at 11:55 A. M.

WEDNESDAY, APRIL 24, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed the following guests to the Senate:

As guests of Senator Lamontagne: The students of Notre Dame High School, Berlin, in charge of Sister Mary Madleine of the Eucharist and Sister Mary Louise of Charity; President John Ouellette, Robert Chaloux, Roland Beaulieu, Elain Dussault, Pauline Trahan, Loraine Fortier.

As guests of Senator Daniel: His son, Donald C. F. Daniel, student at St. Jean the Baptist Parochial School, 7th Grade. Norman R. Marineau, student at St. Jean the Baptist Parochial School, 5th Grade. Albert J. Marineau, student at Miss Jacques Private School.

As the guest of Senator DeLude: Miss Elizabeth Wadsworth of Mountain Lakes, N. J., the grandniece of Mrs. Hilda Brungot, member of the House from Berlin.

As guests of Senator Rainie: Miss Carol J. Matthews, the daughter of our stenographer, and Miss Martha Morton, both of Concord.

Guests of Senator Humphreys: Mr. A. Wennberg, Planning Director of Portsmouth, and Mr. R. C. Violette, City Manager of Portsmouth.

Also, member of the House, Daniel Healey of Manchester, Ann M. Healy, Judith Lanovette, Bonnie Welch and Kathleen Ball.

Also, the wife of the Speaker of the House of Representatives, Mrs. Douglas Scamman.

### **Introduction, First and Second Reading of Senate Bills**

SB 147, An Act relative to children acting as caddies or delivering newspapers. Introduced by Rules Committee.  
Referred to the Committee on Labor.

SB 148, An Act establishing a board for relief for wrongful imprisonment. Introduced by Senator Cleveland.  
Referred to the Committee on Ways and Means.

### House Message

The House of Representatives has passed the following bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 375, An Act adopting an interpleader compact.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 97, An Act relative to registers of deeds.

SB 59, An Act relative to borrowing by cities and towns.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following joint resolution, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SJR 2, Joint Resolution in favor of Eleanor Marquis.

Amend the joint resolution by striking out the word "one" in the first and sixth lines and inserting in place thereof the word, three, so that said resolution as amended shall read as follows:

That the sum of three hundred dollars is hereby appropriated to reimburse Eleanor Marquis for medical and other expenses incurred as a result of an accident with a national guard vehicle which occurred June 22, 1954. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated and said payment of three hundred dollars shall be in full and complete settlement of said claim. The appropriation made by Laws 1955, chapter 378 in the amount of three hundred dollars to said Eleanor Marquis is hereby lapsed.

On motion of Senator English, the Senate refused to concur in the adoption of the amendment to the above captioned joint resolution sent up from the House of Representatives and asked that a Committee of Conference be adopted.

Pursuant to the above, the President appointed as members of such Committee of Conference on the part of the Senate, Senators English and Lamontagne.

**Introduction, First and Second Reading of House Bill**

The above bill, passed by the House, was read a first and second time, and referred as follows:

HB 375 to the Committee on Judiciary.

**Committee Reports**

HJR 7, Joint Resolution in favor of John T. Keane. Report of the Committee on Claims (Senator Lamontagne) : Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, the Committee on Claims heard this joint resolution in favor of John T. Keane, which was the result of cattle damage at the Industrial School. Mr. Keane did not appear before the committee. I have received information only this morning from Mr. Kibby, that this amount may be too high and perhaps an amendment should be offered."

Senator Packard:

"Mr. President, I can't say that I am too familiar with the background of this case. I know the gentleman in question. I believe that he did not appear at the hearing because he has suffered a serious accident and is in the hospital."

Senator Lamontagne:

"Mr. President, I believe in fairness to everyone so at this time, I would move that this joint resolution be recommitted to the Committee on Claims."

On a *viva voce* vote, the joint resolution was recommitted to the Committee on Claims.

HJR 8, Joint Resolution in favor of Theodore F. Von Hagen. Report of the Committee on Claims (Senator Lamontagne) : Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, the same, almost identical, circumstances apply as in connection with HJR 7. In view of the motion of Senator Lamontagne where HJR 7 was recommitted, I would move that this joint resolution also be recommitted to the Committee on Claims."

The President recognized Senator Adams:

"Mr. President, it seems strange to me that these two joint resolutions, having had a hearing in the House and also in the Senate Claims Committee that Mr. Kibby had not been present at the hearings."

Senator English stated that it had been difficult to get people to appear before the committee hearings. Believes that the committee should have all information available before the bills are brought on the floor of the Senate.

Senator Adams:

"Mr. President, I would like to say at this time that I always take a dim view of last minute information that Department Heads come up with at the last moment. If this information was available to him at the time these cattle trampled on this man's garden, why did we not have it sooner. Both of these people come from my District. I have talked with the man involved in the first case. He is a man of truth, I believe. He is a reliable person and not trying to get something from the State that he is not entitled to. I am in favor of the motion to recommit."

On a *viva voce* vote, the affirmative prevailed, and the joint resolution was recommitted to the Committee on Claims. Claims.

SJR 4, Joint Resolution in favor of Ernest Morgan. Report of the Committee on Claims (Senator Lamontagne): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, I think this is typical of the problems that the Committee on Claims has had. I move that it be laid upon the table and made a Special Order of Business for tomorrow morning at 11:01 o'clock.

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

HJR 19, Joint Resolution in favor of Florence Smith. Report of the Committee on Claims (Senator Lamontagne): Ought to pass with amendment.

The report was accepted.

Amend said joint resolution by striking out the words "five hundred dollars" in line 1 and inserting in place thereof the words and figures, two hundred thirty-two and 38/100 dollars, so that said resolution as amended shall read as follows:

That the sum of two hundred thirty-two and 38/100 dollars is hereby appropriated to reimburse Florence Smith for injuries which occurred because of an accident at the Laconia State School. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The President recognized Senator English:

"Mr. President, Florence Smith was an employee of the Laconia State School as a cook. She was off duty and returned from town and found that she had mislaid her key. In going around the building to find someone to let her in, she stepped in a hole and fell and broke her arm. Some of the medical bill was taken care of by Blue Cross and this amount reimburses her for the balance."

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 77, An Act relative to sale of meat, fish and fowl. Report of the Committee on Agriculture (Senator Provost): Ought to pass with amendment.

The report was accepted.

Amend section 1 of said bill by striking out the word "immediate" in line 8 so that said section as amended shall read as follows:

1. *Sale by Weight.* Amend RSA 359:44 by striking out said section and inserting in place thereof the following: 359:44. *Sale of Meat, Fish, and Fowl.* All dressed meat, fresh and salt, meat products, fish and dressed or oven-ready poultry shall not be sold or offered for sale except by weight. Provided, however, that the provisions of this section shall not apply to the sale of these articles where both buyer and seller in writing agree to other methods of sale, provided, further, that the provisions of this section shall not apply when these articles are cooked for sale except when offered for sale in a closed package.

The President recognized Senator Hodgdon:

“Mr. President, we took out the word ‘immediate’ to simplify the reading. When we tried to define the word ‘immediate’ we were unable to agree as to just what it meant. The Commissioner of Agriculture appeared at the committee hearing and was agreeable to having the word ‘immediate’ taken out.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o’clock.

HB 91, An Act relative to the definition of closed package under statute for grading apples. Report of the Committee on Agriculture (Senator Provost): Ought to pass with amendment.

The report was accepted.

Amend said bill by striking out section 2 of the bill and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect 60 days after its passage.

The President recognized Senator Hodgdon:

“Mr. President, the bill as introduced read ‘as of April 1.’ The amendment makes it read ‘60 days after its passage,’ ”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o’clock.

HB 100, An Act adding “agronic” plants and seeds to plant and seed certification. Report of the Committee on Agriculture (Senator Provost): Ought to pass with amendment.

The report was accepted.

Amend said bill by striking out section 2 of the bill and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect upon its passage.

The President recognized Senator Hodgdon:

“Mr. President, the reason for the amendment, which changes the takes effect clause to read ‘on its passage’ — last year, a man in Exeter planted 8 acres of oats and he has asked the Department of Agriculture to certify the seed. Under the



present law, they could not do so. So they added the word agronomic in order for him to sell the oats for seeds. This change in takes effect was necessary because the 60 days after passage would be too late."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 89, An Act relating to the confidential nature of adoption records and proceedings. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill directs the probate court registers to set up separate dockets for adoption proceedings which will not be open to the public, generally. It is the feeling that adoption proceedings should be kept as confidential as possible. Twenty-five or thirty other states have similar legislation."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 225, An Act relative to the interstate compact on juveniles. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this is another one of the interstate compact bills and this bill enters New Hampshire into a compact with other states to facilitate the workings of the probation department. It also makes extradition proceedings standard."

The President referred the above entitled bill to the Committee on Finance, under the rules.

HB 368, An Act prohibiting the use of glass containers for the sale of gasoline. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

The report was accepted.

Amend section 1 of said bill by striking out in line 6 the words "one hundred" and inserting in place thereof the word, ten, so that said section as amended shall read as follows:

1. *Gasoline.* Amend RSA 339 by inserting after section

27 the following new section: 339:27-a. *Prohibition.* No person shall sell or offer for sale any gasoline in a glass container, nor deliver any gasoline into a glass container. No person shall transport or convey any gasoline in a glass container. Whoever violates any of the provisions of this section shall be fined not more than ten dollars.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

On motion of Senator Cleveland, the amendment was adopted.

On further motion of the same Senator, the above bill with the accompanying report was laid upon the table and made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

HB 289, An Act relative to publication of ordinances of Portsmouth. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

The report was accepted.

Amend by striking out section 1 of said bill and inserting in place thereof the following:

1. *Posting in Public Places.* Amend 1947, 398:19 by inserting at the end thereof the following: Notwithstanding any other provisions of law, publication for the purposes of this section shall mean the publication of a notice in any daily newspaper published in the city of Portsmouth, stating the number and title of the ordinance, and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any citizen of Portsmouth concerned, may obtain a copy of the complete ordinance, and if the full text is not published in the newspaper the city manager shall make reasonable provisions so that a copy of the complete ordinance shall be obtainable without charge, at least four days prior to the time set for the public hearing, by any citizen who may request the same, so that said section as amended shall read as follows: 19. *Ordinances.* Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The City of Portsmouth Ordains" and the effective

date of each ordinance shall be specified in it. Each ordinance shall be introduced in writing in the form it is to be finally passed, and after passage in its first reading shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least the time required by any statute relating to such subject but in no case less than one week. All ordinances shall be recorded in full uniformly and permanently by the city clerk and each ordinance so recorded shall be authenticated by the signature of the mayor and city clerk. Ordinances shall be published within thirty days after their passage; and shall be further published, compiled and revised in such manner and at such time as the council shall determine. Notwithstanding any other provisions of law, publication for the purposes of this section shall mean the publication of a notice in any daily newspaper published in the city of Portsmouth, stating the number and title of the ordinance, and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any citizen of Portsmouth concerned, may obtain a copy of the complete ordinance, and if the full text is not published in the newspaper the city manager shall make reasonable provisions so that a copy of the complete ordinance shall be obtainable without charge, at least four days prior to the time set for the public hearing, by any citizen who may request the same.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

The President recognized Senator Cleveland:

"Mr. President, the purpose of this bill was to enable the city of Portsmouth to dispense with the printing of the entire ordinances. The amendment is to change those procedures. After the adoption of this amendment, a notice may be printed in any daily newspaper published in the city of Portsmouth, stating the number and title of the ordinance, and the text of same, with a brief explanation of the purpose of the ordinance and information as to where and when any citizen of Portsmouth concerned may obtain a copy of the complete ordinance."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 136, An Act relative to acceptance of gifts to the state library for library purposes. Report of the Committee on Finance (Senator Caron) : Ought to pass with amendment.

The report was accepted.

Amend Section 1 of the bill by adding after the word "funds" in Line 6 the words, to be held by the state treasurer, so that said section as amended shall read as follows :

1. *State Library.* Amend RSA 201 by inserting after section 13 the following new section: 201:13-a. *Gifts.* The commission is hereby authorized to receive at any time such sums of money as may be donated for the purpose of purchasing books or other supplies or facilities for the state library and money so received shall be converted into a continuous fund or funds to be held by the state treasurer from which payments shall be made in accordance with the stipulations of the donor upon warrant of the governor for such purposes as are approved by the commission.

Further amend the bill by striking out Section 2 and inserting in place thereof the following :

2. *Takes Effect.* This act shall take effect sixty days after its passage.

The President recognized Senator Merrill :

"Mr. President, at the present time, the state library has a section in the law providing for acceptance of gifts of books, but has no section to make it possible to accept gifts of money. They do not have any great amount of money given to them, but recently they did have such a gift and this will permit them to accept it."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 124, An Act relating to bridges on the secondary system of highways. Report of the Committee on Public Works (Senator Bennett) : Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, the present formula for state aid on class II highways is very involved and very outmoded. It was adopted in 1945 and states a maximum of \$20,000 which may be the state's share of any bridge on the secondary system. A bridge may cost \$75,000 to \$100,000 and very few towns will build such a bridge because of the high cost of their share. There was no provision for an increase in their appropriation. \$125,000 was set up by the Highway Department. This figure is the same as in the last biennium. Perhaps more towns will reconstruct bridges under this formula."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 125, An Act relating to bridges on the Class V system of highways. Report of the Committee on Public Works (Senator Bennett): Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, this is another bill which I introduced because I believed that the formula enacted in 1945 relating to the state aid for construction and reconstruction of town bridges was obsolete. Under this bill, the maximum has been removed. The formula for aid to the majority of town bridges remains the same. The formula in some of the smaller towns is changed to aid those towns in reconstructing their bridges. Some 400 town bridges need reconstruction. The program has been very slow in re-constructing these bridges. The Department of Public Works is in favor of this bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 90, An Act relative to class III recreational roads. Report of the Committee on Public Works (Senator Bennett): Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, this bill would add to the list of class III recreational roads a town road of which there is about 1.4 miles in Whitefield and about .7 in the town of Dalton, which leads to the Forest Lake State Park. Under the law, class III highway is a recreational road leading to recreational areas. There are

several of these which are maintained by the towns. From time to time, the Legislature has seen fit to classify these recreational roads so that the state will maintain them. If the traffic is predominantly state traffic or out of state traffic, rather than local traffic, the state will maintain same. This road, mentioned above, is now a burden to the town. Traffic has increased about four-fold during the past few years. If the time comes when the road has to be rebuilt, after the passage of this act, the state will have to rebuild it. There is no immediate necessity in the opinion of the Highway Department for the reconstruction of this road. The state will maintain this road in the summer months only. There are only two or three houses on this road."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills and Joint Resolution

The following entitled bills and captioned joint resolution were read a third time, and passed:

SB 89, An Act relating to the confidential nature of adoption records and proceedings.

SB 124, An Act relating to bridges on the secondary system of highways.

SB 125, An Act relating to bridges on the class V system of highways.

SB 136, An Act relative to acceptance of gifts to the state library for library purposes.

HB 77, An Act relative to sale of meat, fish and fowl.

HB 90, An Act relative to class III recreational roads.

HB 91, An Act relative to the definition of closed package under statute for grading apples.

HB 100, An Act adding "agronomic" plants and seeds to plant and seed certification.

HB 289, An Act relative to publication of ordinances of Portsmouth.

HJR 19, Joint Resolution in favor of Florence Smith.

On motion of Senator DeLude, the Senate adjourned at 12:30 o'clock.

THURSDAY, APRIL 25, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the Senate:

As guests of Senators Rhodes and Rainie: Mrs. Walter Winch of Keene and Miss Phoebe Wilcox from New York City and Hawaii.

As guests of Senator Rhodes: His son and daughter, Master Donald Rhodes and Miss Carol Susan Rhodes.

As guests of Senator Packard: Mrs. Dorothy Green, Miss Hinda Green, Mrs. Max Cohen, Master Andrew Cohen, Mrs. James Pananos and Miss Deta Pananos.

As guests of Senator Horner: Members of the graduating class from Thornton Central School of Thornton, in charge of Marjorie Uhlman, Phyllis Holbrook, Evelyn Broad, Nellie Adams and Frances Steele. Members of the graduating class: Arnold Ham, Carleton Hamm, David Robertson, Roberta Robertson, Marolyn Broad, Carolyn Broad, Gloria Kimball, Dotty Mitchell, Audrey Sellingham, Guy Downing, Beverly Downing, Shirley Jellison, James Swetson, David Wessinger, Keith Brazzer and Robert Uhlman.

### Introduction, First and Second Reading of Senate Bills

SB 150, An Act relative to factors' liens.

Introduced by Senator Anderson.

Referred to the Committee on Banks and Insurance.

SB 151, An Act relating to damage sustained in motor vehicle accidents.

Introduced by Senator Rogers.

Referred to the Committee on Banks and Insurance.

### House Message

The House of Representatives has passed the following bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 300, An Act providing for a first-aid room in the state house.

The message further stated that the House of Representatives has voted to accede to the request of the Honorable Senate for a Committee of Conference on:

SB 54, An Act relative to dogs at large.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Bisbee of Derry, Anderson of Warren and Desjardins of Dover.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 86, An Act relating to the construction and financing of a sewerage system and sewage disposal plant for the town of Derry.

SB 100, An Act relative to reforestation and Arbor Day.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in its amendment to the following entitled bill, and asks for a Committee of Conference:

HB 82, An Act relative to the salaries of the treasurers of Rockingham and Sullivan counties.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Shattuck of Danville, Rathbone of Exeter and Perkins of Nottingham.

On motion of Senator Adams, the Senate voted to accede to the request of the House that a Committee of Conference be appointed on the above entitled bill.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Adams and Humphreys.

### **Introduction, First and Second Reading of House Bill**

The following entitled bill, passed by the House was introduced, read a first and second time, and referred as follows:

HB 300 to the Committee on Public Health, Welfare and State Institutions.

### **Committee Reports**

HJR 47, Joint Resolution in favor of the estate of Edmond



Hebert. Report of the Committee on Claims (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, Mr. Hebert was a member of the House who has died during this session. As is customary, this would provide for the payment of the balance of the salary due him to be paid to his estate."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HB 87, An Act relative to borrowing by village districts for current expenses and maintenance. Report of the Committee on Banks and Insurance (Senator Rogers): Ought to pass.

The report was accepted.

The President recognized Senator Anderson:

"Mr. President, this bill adds the words taxes and other sources in connection with village district borrowing. At the present time, a village district may borrow up to 15% of income from other sources. This bill includes the words taxes in determining that 15%.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 108, An Act relative to the issuance of county bonds. Report of the Committee on Banks and Insurance (Senator Rogers): Ought to pass with amendment.

The report was accepted.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following: 2. *Takes Effect*. This act shall take effect 60 days after its passage.

The President recognized Senator Anderson:

"Mr. President, the committee felt that there was no immediate emergency on this and it should take effect 60 days after its passage rather than on its passage."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 159, An Act to authorize the issuance of call bonds by

municipalities. Report of the Committee on Banks and Insurance (Senator Rogers) : Ought to pass.

The report was accepted.

The President recognized Senator Anderson :

"Mr. President, at the present time, the law makes definite in regard to call bonds in any municipality. This act allows the issuance of call bonds which are found to be quite advantageous if a municipality should receive money by gift, they could pay off these earlier and save interest. This act also provides for a method of notification on the call of these bonds — notices must be put in New Hampshire and Massachusetts papers — notification at least 14 days before the date of call."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 171, An Act changing classification of a road in Groton. Report of the Committee on Public Works (Senator Bennett) : Ought to pass.

The report was accepted.

The President recognized Senator Rogers :

"Mr. President, this bill would change the classification of a road in Groton. It is a secondary state road and the improvements have never been completed. Several miles of this highway have to be used by school bus and it is doubtful that the state would ever find it economically justified to improve it. Accordingly, the town has asked reclassification and will take available funds and take their TRA money and complete this road. There was no opposition. The Public Works officials and the town officials favored the passage of this bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 3, An Act relative to expenditure of state funds on Class IV compact section highways. Report of the Committee on Public Works (Senator Rogers) : Ought to pass with amendment.

The report was accepted.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following :

1. *Classification of Highways.* Amend RSA 230:4, I

(supp) as amended by 1955, 333:2 by striking out the word "three" in line 3 and inserting in place thereof the word, four, so that said paragraph as amended shall read as follows:

I. Class I highways shall consist of all existing or proposed highways on the primary state highway system, excepting all portions of such highways within the compact sections of cities or towns of four thousand inhabitants and over.

2. *Class II Highways.* Amend RSA 230:4, II (supp) as amended by 1955, 333:2 by striking out the word "three" in line 3 and inserting in place thereof the word, four, so that said paragraph as amended shall read as follows :

II. Class II highways shall consist of all existing or proposed highways on the secondary state highway system, excepting all portions of such highways within the compact sections of cities or towns of four thousand inhabitants and over.

3. *Class IV Highways.* Amend RSA 230:4, IV (supp) as amended by 1955, 333:2 by striking out the word "three" in line 2 and inserting in place thereof the word, four, so that said paragraph as amended shall read as follows:

IV. Class IV highways shall consist of all highways within the compact sections of cities or towns of four thousand inhabitants and over. The compact section of any such city or town shall be the territory within such city or town where the frontage on any highway, in the opinion of the highway commissioner, is mainly occupied by dwellings or buildings in which people live, or business is conducted, throughout the year and not for a season only.

4. *Highway Aid.* Amend paragraph (b) of RSA 241:2 (supp) as amended by 1955, 333:3 by striking out the word "three" in line 2 and inserting in place thereof the word, four, so that said paragraph as amended shall read as follows:

(b) *Apportionment B.* The commissioner shall apportion to each city and town of four thousand inhabitants and over, one thousand dollars per mile for the mileage of Class IV highways which are urban extensions of Class I and Class II highways. If the projects submitted are eligible for federal assistance, this apportionment must be used to match any federal funds which may be available to the applicant city or town. Any city or town issuing bonds to accelerate the improvement of arterial routes within its compact area may

apply any part of the funds herein apportioned, for a period not to exceed ten years, to aid in the retirement of such bonds:

5. *Commissioner of Public Works and Highways.* Amend RSA 249:5 (supp) as amended by 1955, 178:1 and 1955, 333:4 by striking out the word "three" in line 2 and inserting in place thereof the word, four, so that said section as amended shall read as follows: 249:5. *Regulation.* The commissioner may regulate the use of Class I, Class II, and Class III highways in towns of less than four thousand population and in other towns or cities outside the compact portion thereof as determined by him. He may establish stop intersections, erect stop signs, yield right-of-way signs, or other traffic devices or signals thereon or upon any highway entering therein.

6. *Takes Effect.* This act shall take effect on July 1, 1957.

On motion of Senator Rogers, the reading of the amendment was dispensed with.

The President recognized Senator Rogers:

"Mr. President, this amendment is rather extensive and I will try to explain briefly what the bill will try to do as amended. It affects the so-called Class IV highways which are the highways within the compact section of cities and towns of 3,000 inhabitants or over. This bill as amended raises it to 4,000. There are five towns, with population over 3,000 on Class IV highways. That is the highly populated sections, which are connections of state highways passing through the village, are now maintained by the towns. If this bill passes with the amendment, the compact sections of the state highway through these villages will become the responsibility of the state as far as maintenance and reconstruction is concerned. The state will plow a 24 foot strip through these villages, instead of raising the plow and passing over without plowing these strips. No plowing of sidewalks. The state will cover a total mileage of about 12½ miles. The reason for the amendment — it was raised from 3,000 to 4,000 inhabitants because of the fact that when the next census is taken in 1960, some of these towns may change from one classification to another classification. This amendment provides a cushion in this population figure so that there will be no necessity for

further changes of classification in these Class IV highways probably for another ten or twelve years.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway. Report of the Committee on Public Works (Senator Rogers): Ought to pass with amendment.

The report was accepted.

On motion of Senator Rogers, the Senate voted to lay the above entitled bill with accompanying report upon the table and made a Special Order of Business for next Wednesday morning at 11:01 o'clock.

HB 127, An Act relative to duties of tax commission in equalization of taxes. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

“Mr. President, the purpose of this bill is to give the Tax Commission a little more flexibility in arriving at equalization of taxes for the different towns. This bill will permit the Tax Commission to make certain adjustments in the case of figures used for computation.”

Senator DeLude moved that the above bill with accompanying report be laid upon the table and made a Special Order of Business for next Tuesday morning at 11:02.

(Discussion ensued)

Senator DeLude requested a short recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator DeLude withdrew her motion that consideration of the above bill be made a Special Order of Business for next Tuesday morning at 11:02.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SJR 5, Joint Resolution in favor of J. Wayne Ferns. Report of the Committee on Finance (Senator Caron): Ought to pass with amendment.

Amend the joint resolution by adding at the end thereof the following sentence: The sum hereby appropriated shall constitute full and final settlement of the claim of J. Wayne Ferns against the State of New Hampshire, so that said joint resolution as amended shall read as follows: The sum of three thousand dollars (\$3,000) is hereby appropriated to partially reimburse J. Wayne Ferns of Concord, New Hampshire, for damages sustained by him by virtue of loss of his property while employed on an errand of mercy at the request of the State of New Hampshire. The Governor is authorized to draw his warrant for the sum hereby appropriated out of any money. The sum hereby appropriated shall constitute full and final settlement of the claim of J. Wayne Ferns against the State of New Hampshire.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, I will give the Senate a brief outline. On November 7, 1955, a hunter was lost in the north country — somewhere in the area of Milan, Colebrook, etc. On November 8th, the Fish and Game Department had a plane, furnished by J. Wayne Ferns that was planting fish in the area. As a result of the lost hunter, and the Fish & Game Department being charged with the responsibility of finding people who are lost, in that category under emergency regulations made by the executive department, asked pilot of the plane if he would fly in and try to locate the hunter. The pilot had with him a Fish and Game man. They found the hunter and got a message to him. They asked if he had any matches, and found that he did not have any, so they flew down a second time and dropped matches, cigarettes, etc., and a message that they would return for him. However, either the turbulence of the air, or some mechanical means, no one knows, the plane hit some trees and instead of having a lost hunter, they had two injured individuals and a completely wrecked plane. On the following day, they sent another plane in to hunt for the plane that did not return. They dropped a doctor by parachute. I believe to take care of them and later brought them in. The plane was completely demolished. There was no salvage. The pilot was

seriously injured and hospitalized for some time. Then he was able to perform only a part of his duties for a period of time. His hospital bills were taken care of by employee's compensation. The total loss by wages, etc., was \$4,709. The claim is for \$3,000, the difference being the amount of time involved for which full value was not received. The committee felt that it was a just claim and we added the amendment, in full and complete settlement, in view of the wording in the claim that it was for partial reimbursement."

Senator Cleveland inquired of Senator Merrill, "Is this sum of money a charge upon the funds of the Fish and Game Department, and if not, why not?"

Senator Merrill:

"That is a good question. This was brought up in committee and in view of the fact that the Fish and Game Department was acting under emergency regulations of the State of New Hampshire which has to do with lost hunters. It has nothing to do with the Fish and Game Department, other than being asked to help."

Senator Cleveland:

"Mr. President, I must confess that I don't agree with the reason why this should not be a charge upon the Fish and Game Department. I believe that the man who is asking to be reimbursed, should be reimbursed and it is a good bill. I also think that it should be a charge upon the Fish and Game Department. They sell the licenses to hunt and the man was lost while hunting. I offer the following amendment to the amendment:

Amend the joint resolution by striking out the following sentence in the joint resolution "the Governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated" and insert in place thereof the words, the sum appropriated shall be a charge upon the Fish and Game Department.

Senator Humphreys, Senator Packard and Senator Adams spoke in support of the amendment to the amendment.

Senators Rhodes, Hodgdon and DeLude spoke against the adoption of the amendment to the amendment.

Senator Lamontagne spoke in support of the report of the Finance Committee, as did Senator Merrill.

Question being on the adoption of the amendment to the amendment as offered by Senator Cleveland.

On a *viva voce* vote, the negative prevailed, and the amendment to the amendment was not adopted.

Question being on the adoption of the amendment offered by the Committee on Finance.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the joint resolution as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Resolution

Senator Cleveland offered the following resolution, and moved that it be printed in the Journal, and laid upon the table for future action:

*Whereas* this body passed Senate Bill 62 and concurred with amendments to Senate Bill 62 sent up by the House, and

*Whereas* Senate Bill 62 which is now Chapter 47 of the Laws of 1957 specifically stated that liquor could be served in restaurants "with meals at tables only," and

*Whereas* the Senate was specifically advised that liquor would be served in restaurants only at tables and not in or at booths, so-called, and such was their legislative intent at the time of final passage of Senate Bill 62; and

*Whereas* this body has now been advised that the State Liquor Commission is planning to permit the sale of liquor in restaurants not only at tables, but in or at booths, now therefore be it

*Resolved*, that the State Liquor Commission be respectfully requested to strictly and exactly abide by this further expression of legislative intent, and that if for any reason they cannot or will not abide by this expression of legislative intent they be requested to notify the President of the Senate of their reasons for ignoring the legislative intent herein expressed within two weeks from the date of the passage of this resolution.

Senator Lamontagne moved that the above resolution be indefinitely postponed.

(Discussion ensued)

Senators Lamontagne and Adams spoke in favor of the motion.



Senator Cleveland spoke against the motion.

Question being on the indefinite postponement of the above resolution.

Senator Karkavelas requested a division.

Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, DeLude, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Hodgdon, Bennett, Rogers, Cleveland, Anderson, English, Holmes, Rainie and Merrill.

Fourteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the motion for indefinite postponement carried.

### **Personal Privilege**

Senator Packard made the following remarks regarding the above resolution with reference to SB 62:

"As the Senate remembers, I voted against this bill. Now the reason I voted for this at the present time; I think that as long as this bill is the wish of the majority of the House and Senate, it would be utterly ridiculous to force restaurant owners to spend tremendous sums of money in order to meet regulations."

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 173, An Act relative to apportionment of expenses for forest fires.

SB 59, An Act relative to borrowing by cities and towns.

HB 211, An Act providing for a deputy commissioner of education.

SB 7, An Act relative to limitation of recovery of damages for wrongful death.

SB 86, An Act relating to the construction and financing of a sewerage system and sewage disposal plant for the town of Derry.

SB 88, An Act relative to decrees and certificates of adoption.

SB 97, An Act relative to registers of deeds.

SB 100, An Act relative to reforestation week and Arbor Day.

NELLE HOLMES,  
*For the Committee*

The report was accepted.

### **Special Order of Business**

Senator Cleveland called for the Special Order of Business. It being consideration of SJR 4, Joint Resolution in favor of Ernest Morgan.

Senator Cleveland moved that the above captioned joint resolution be re-committed to the Committee on Claims.

Senator English stated that he had no objection to this motion. But stated that a majority of the Committee on Claims had decided that only three times would the Claims Committee carry on this procedure.

Senator Bergeron requested a division on the above motion of Senator Cleveland.

Twelve Senators having voted in the affirmative, and three Senators having voted in the negative, the affirmative prevailed, the motion carried, and the joint resolution was re-committed to the Committee on Claims.

### **Inquiry**

The President recognized Senator Packard:

“Mr. President, I have two questions and I would ask a ruling from the Chair on both of these questions at this point:

First — Will the Chair please rule as to whether or not a Senator can be recognized for a roll call, etc., at any time?

Second — How long has it been since a parliamentary inquiry cannot be asked at any point?

The Chair replied as follows:

“In reply to the first question — Not without having first received recognition by the Chair. In reply to the second question — The matter of parliamentary inquiry is all right, but not after the final call for the vote has been made. We are then in the process of a vote.”

### Personal Privilege

The President recognized Senator Daniel; who desired to acquaint the Honorable Senate that despite the stories published in the paper, he did sign the petition presented by the Committee on Agriculture. Senator Hodgdon affirmed Senator Daniel's statement.

### Resolution

Senator Cleveland offered the following resolution:

*Whereas*, We have learned with deepest sorrow of the passing of a former member of this Honorable Senate from the 7th District, Guy H. Hubbard of Boscawen, and

*Whereas*, Mr. Hubbard was always interested in every civic problem of the people, exerting his efforts to advance all fields of endeavor which the common man might follow to earn his livelihood, now, therefore, be it

*Resolved*, That the Senate go on record as recognizing the great contribution that Mr. Hubbard has made to better American life as a churchman, Lodge member and as a town officer of long standing.

The above resolution was unanimously adopted by a standing vote of the Senate.

Senator Cleveland moved that proposed amendment to the Concurrent Resolution relative to Committee of Conference Reports, sent up from the House several weeks ago, be adopted.

(Discussion ensued)

On motion of Senator Karkavelas, the Senate voted to lay the Concurrent Resolution with the proposed amendment upon the table, and made a Special Order of Business for next Thursday morning at 11:01 o'clock.

On motion of Senator Caron, the Senate went into afternoon session. Also, when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### Afternoon Session

#### Third Reading of Bills and Joint Resolutions

The following entitled bills and captioned joint resolutions were read a third time, and passed:

SB 3, An Act relative to expenditure of state funds on Class IV compact section highways.

SJR 5, Joint Resolution in favor of J. Wayne Ferns.

HB 87, An Act relative to borrowing by village districts for current expenses and maintenance.

HB 108, An Act relative to the issuance of county bonds.

HB 127, An Act relative to duties of tax commission in equalization of taxes.

HB 159, An Act to authorize the issuance of call bonds by municipalities.

HB 171, An Act changing classification of a road in Groton.

HJR 47, Joint Resolution in favor of the estate of Edmond Hebert.

On motion of Senator DeLude, the Senate adjourned at 1:25 P. M. to meet next Tuesday morning at 11:00 o'clock.

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TUESDAY, APRIL 30, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed the following guests to the Senate:

As guests of Senator Horner: Mrs. Philip Willey and Mrs. John Thompson of Campton.

As guests of Senator Cleveland: Students of the Economics and Government Class of Colby Junior College at New London, in charge of Mrs. John Powell, their instructor, as follows: Ellen Humphreys, Diana Shugrue and Barbara Schmidt, all of New York; Sheila Landcastle and Diane Joy, both of Massachusetts; Georgia Dunning and Cynthia Grant, both of Connecticut; Wendy Wilkerson of New Jersey; Doris J. Miller and Linda Hano, both of Pennsylvania; Brenda Schneekinberger of Canada; and Diane Donigian of New Hampshire.

As guests of Senator Caron: Students of St. Raphael Grammar School of Manchester, in charge of Reverend Father James Ridge, OSB.

As guests of the entire Senate, the Republican ladies of Cheshire and Sullivan Counties, who were attending the session as a part of the program for "Legislative Day" for those two counties.

### **Introduction, First and Second Reading of Senate Bills**

SB 149, An Act relative to the appropriation of money at town meetings. Introduced by Senator Bennett.

Referred to the Committee on Ways and Means.

SB 152, An Act providing for a study relative to budgets for cooperative school districts. Introduced by Senator Karkavelas.

Referred to the Committee on Education.

SB 153, An Act relative to exemption from taxation of the Appalachian Mountain Club. Introduced by Senator O'Brien.

Referred to the Committee on Ways and Means.

SB 154, An Act relative to lumber cut reports. Introduced by Senator Bennett.

Referred to the Committee on Resources, Recreation and Development.

SB 155, An Act to establish a new apportionment for the assessment of public taxes. Introduced by Senator Anderson.

Referred to the Committee on Judiciary.

### **House Message**

The House of Representatives has passed the following bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 186, An Act relative to form of state budget and requests by state agencies for appropriations and capital improvements.

HB 204, An Act relative to the establishment of recreational roads.

HB 237, An Act extending road in Warner.

HB 262, An Act relative to use of fluorine in public water supplies.

HB 318, An Act relative to establishing a road through Wadleigh park in Sutton as a recreational road.

HB 370, An Act relative to the designation of a Class I highway in Walpole.

HJR 46, Joint Resolution in favor of Kenneth W. Hayward.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 63, An Act relative to reclassification of a road in Walpole.

SB 76, An Act relative to taking pickerel through the ice from Umbagog Lake.

The message further stated that the House of Representatives had voted to accede to the request of the Honorable Senate for a Committee of Conference on its amendments to the following captioned joint resolution:

SJR 2, Joint Resolution in favor of Eleanor Marquis.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Bigelow of Warner, Sabluski of Nashua and Haskins of Lyme.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following captioned joint resolution and asks for a Committee of Conference:

HJR 19, Joint Resolution in favor of Florence Smith.

The Speaker has appointed as members of such committee on the part of the House, Miss Loizeaux of Plymouth and Messrs. Claflin of Wolfeboro and Kelly of Manchester.

On motion of Senator English, the Senate voted to accede to the request of the House of Representatives that a Committee of Conference be appointed in connection with the above captioned joint resolution.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators English and Merrill.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 77, An Act relative to the sale of meat, fish and fowl.

HB 91, An Act relative to the definition of closed package under statute for grading apples.

HB 100, An Act adding "agronomic" plants and seeds to plant and seed certification.

### **Introduction, First and Second Reading of House Bills**

The above bills, passed by the House, were introduced, read a first and second time, and referred as follows:

HB 186 to the Committee on Finance.

HB 204 to the Committee on Public Works.

HB 237 to the Committee on Public Works.

HB 262 to the Committee on Public Health, Welfare and State Institutions.

HB 318 to the Committee on Public Works.

HB 370 to the Committee on Public Works.

HJR 46 to the Committee on Claims.

### **Committee Reports**

HB 8, An Act relative to the unemployment compensation law and establishing the department of employment security. Report of the Committee on Labor (Senator Packard): Ought to pass with amendment.

The report was accepted.

Amend section 17 of said bill by striking out said section and inserting in place thereof the following:

17. *Representation in Court.* Amend RSA 282:15, B by striking out the whole of the same and inserting in place thereof the following: B. All criminal actions for violation of any provision of this chapter, or of any rule or regulation issued pursuant thereto, shall be prosecuted by the attorney general of the state or, at his request and under his direction, by counsel for the division of employment security in any county in which the employer has or had a place of business or the violator resides.

And further amend HB 8 by striking out section 19 and inserting in place thereof the following:

19. *Takes Effect.* This act shall take effect sixty days after its passage.

The President recognized Senator Adams:

"Mr. President, the purpose of this amendment is simply

to make legal a practice which has been one of long standing in the department. As it has been done, the labor attorneys have always prosecuted violations which the attorney general should do. This says the attorney general may do it or may authorize the counsel in the labor department to do it. Perhaps I should speak on the bill itself. This bill is a bill making technical changes in the unemployment compensation law recommended by the labor advisory council. This council consists of both labor and management representatives. There was no opposition to any of these changes and they endorsed the bill as it is written."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Caron escorted Father James Ridge (mentioned above in the introduction of guests) to the rostrum. The President welcomed him to the Senate and invited him to address the Senate briefly, which Father Ridge did.

#### Committee Reports (continued)

HB 166, An Act relative to the state emblem. Report of the Committee on Military and Veterans' Affairs (Senator Daniel) : Ought to pass.

The report was accepted.

The President recognized Senator O'Brien:

"Mr. President, out of all the bills I have ever had any experience with, I believe I have gotten the greatest thrill out of this one. As far as my knowledge goes, this is the first bill that we have had to consider where the state was not at stake. At the time the state adopted a state seal, the motto was supposed to be above the state of New Hampshire seal. Inadvertently, the state of New Hampshire seal was put at the top instead of the bottom. It was felt that it would be easier to change the law rather than to change the seal."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 107, An Act relative to a special account for use by the fish and game director.



Report of the Committee on Fisheries and Game (Senator Rhodes) : Ought to pass.

The report was accepted.

The President recognized Senator Rhodes:

"Mr. President, at the last session of the legislature, an act was passed whereby the Fish and Game Department was told to dispose of an elk herd in Sullivan County. These were to be sold and a herd was to be established in the northern part of the State. After discussion, it was decided that this would be unwise. This bill would give the Fish and Game Department the right to use this money in connection with small game."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 14, An Act relative to the detention of children in the state prison. Report of the Committee on Ways and Means (Senator DeLude) : Inexpedient to legislate.

Question being on the adoption of the resolution offered by the committee.

The President recognized Senator Rainie.

"Mr. President, since Senator Cleveland, who was the sponsor of this bill, is anxious to be heard, and since he is in court and cannot be present, I would move that this bill with the accompanying report be laid upon the table and made a Special Order of Business for next Tuesday morning at 11:01 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

SB 137, An Act exempting totally disabled persons from payment of poll and head taxes.

Report of the Committee on Ways and Means (Senator DeLude) : Inexpedient to legislate.

The report was accepted.

The President recognized Senator Rainie.

"Mr. President, in view of the reasons given above, I would move that this bill with the accompanying report be laid upon the table and made a Special Order of Business for next Tuesday morning at 11:02 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

HB 265, An Act relative to the Gafney Home for the Aged. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted

The President recognized Senator Rainie:

"Mr. President, this bill merely raises the limit for holdings of this charitable corporation from \$400,000 to \$1,000,000."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 214, An Act relative to the powers of village precinct of Hanover to install parking meters and to incur indebtedness for off-street parking facilities.

Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted

The President recognized Senator Rainie.

"Mr. President, as the title indicates, this is an effort on the people of Hanover to alleviate their parking problems. The act makes the village precinct a municipal corporation with the power to incur indebtedness up to 3%. It further provides that they may charge for the use of the meters."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 142, An Act relative to the charter of the city of Laconia to clarify a section relating to schools.

Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill is the result of recommendations by the attorneys of the bond house which finances the affairs of the city of Laconia. It does three things: It clears up the relationship between the city and school district; it clarifies the debt limit; and it clears up the matter payment. These matters have been in doubt in the past and it was felt wise

that these should be clarified so that the affairs of the city may be more efficiently handled."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 192, An Act relating to fraudulent checks issued in payment for services.

Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass with amendment.

The report was accepted.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following: 1 *Larceny*. Amend RSA 582:12 by striking out all after the word "larceny" in the fifth line and inserting in place thereof the following: and if money, property, labor or services are obtained thereby shall be guilty of larceny, so that said section as amended shall read as follows: 582:12 *Fraudulent Checks*. Whoever, with intent to defraud, makes, draws, utters, or delivers any check, draft, or order for the payment of money upon any bank or other depository, without sufficient funds or credit at such bank or other depository for the payment of such instrument, shall be guilty of attempted larceny, and if money, property, labor or services are obtained thereby shall be guilty of larceny.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

The President recognized Senator Holmes:

"Mr. President, this amendment changes the place in the statutes where this bill will be put. There is no change in the content of the statute by the content of this amendment. It moves this bill to the statutes which makes it a crime to issue a fraudulent check in payment for merchandise. We already have the provision relative to merchandise, and it was felt that this provision relative to services, should be in the same section of the statutes."

Question being on the adoption of the amendment.

On a *viva voce* vote, the amendment was adopted.

The President recognized Senator Packard:

"Mr. President, before we put this on its third reading, may I have a one minute recess?"

This request was granted by the Chair.

(Recess)

The Senate re-assembled.

The President recognized Senator Packard:

"Mr. President, after talking with several members of the committee, I would move that this bill with the accompanying report be recommitted to the Committee on Judiciary."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

HB 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court.

Report of the Committee on Engrossed Bills (Senator Daniel):

Report the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1; 182:1; 279:1; 296:1; 1957, 66:1 and 1957, 83:1 by striking out the words "two thousand five hundred" in the eighth line and inserting in place thereof the words, three thousand, so that said paragraph as amended shall read as follows: I. Salaries of justices

Further amend said section 1 by adding at the end thereof the following:

In Haverhill, eight hundred dollars;

In Salem, one thousand dollars.

Amend section 2 of said bill by striking out the first four lines and inserting in place thereof the following:

2 — *Clerks.* Amend RSA 502:17, as amended by 1957, 17:1 by striking out the word "eight" in the second line and inserting in place thereof the word, twelve, so that said section as amended shall read as follows: 502:17 *Salaries.*

The clerk of the Portsmouth municipal court shall receive an annual salary of

On a *viva voce* vote, the Senate voted to adopt the report of the Committee on Engrossed Bills on the above entitled bill.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 77, An Act relative to sale of meat, fish and fowl.

HB 87, An Act relative to borrowing by village districts for current expenses and maintenance.

HB 90, An Act relative to Class III recreational roads.

HB 91, An Act relative to the definition of closed package under statute for grading apples.

HB 100, An Act adding "agronomic" plants and seeds to plant and seed certification.

HB 127, An Act relative to duties of tax commissioner in equalization of taxes.

HB 159, An Act to authorize the issuance of call bonds by municipalities.

HB 171, An Act changing classification of a road in Groton.

SB 63, An Act relative to reclassification of a road in Walpole.

SB 76, An Act relative to taking pickerel through the ice from Umbagog Lake.

HJR 47, Joint Resolution in favor of the estate of Edmond Hebert.

SB 146, An Act relative to the Swanzey School District.

PAUL H. DANIEL

*For the Committee*

The report was accepted.

### **Special Order of Business**

It now being 11:01 o'clock, Senator Holmes called for the Special Order of Business.

Being consideration of HB 368, An Act prohibiting the use of glass containers for the sale of gasoline.

The President recognized Senator Packard:

“Mr. President, in view of the Chairman not being here and not knowing his feelings, I would move that this bill be laid upon the table and made a Special Order of Business for next Tuesday morning at 11:03 o’clock.”

On a *viva voce* vote, the affirmative prevailed, and the motion was carried.

On the motion of Senator Holmes, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following bills were read a third time, and passed:

SB 107, An Act relative to a special account for use by the fish and game director.

SB 142, An Act relative to the charter of the city of Laconia to clarify a section relating to schools.

HB 8, An Act relative to the unemployment compensation law and establishing the department of employment security.

HB 166, An Act relative to the state emblem.

HB 214, An Act relative to the powers of village precinct of Hanover to install parking meters and to incur indebtedness for off-street parking facilities.

HB 265, An Act relative to the Gafney Home for the Aged.

#### Tribute to Basil A. Joannides

On motion of Senator Packard, the Senate stood in silent tribute in honor of Basil A. Joannides, an outstanding citizen of the city of Manchester and of the State of New Hampshire, who passed away in Manchester last evening.

On motion of Senator Humphreys, the Senate adjourned at 12:20.

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WEDNESDAY, MAY 1, 1957

The Senate met at 11:00 o’clock.

#### Introduction of Guests

The President welcomed the following guests to the Senate:

As the guests of Senator Horner: Representative George McGee and his wife "Billie" who are celebrating their 25th wedding anniversary today. Also, their son, George, Jr., who is home from Germany on leave from the armed services.

As the guests of Senator Adams: Messrs. Clarence Merrill and Alfred Collins of Salem.

As the guest of Senator Rhodes: Mr. Eugene Gray of North Walpole.

As the guest of Senator Packard: Mr. Henry F. Goode of Manchester.

As the guests of Senator Karkavelas: The following students of the 9th Grade Civics group of the Dover High School with Miss Iris Valley and Mr. Thomas Ahearn as teachers in charge: Richard Folger, Richard Keefe, Patti Gero, Marianna Reardon, Jean Irons, Esther Suosso, Gloria Taylor, Ed Roberge, Ronald Couturier, Kenneth Gibb, Tony Chamberlain, Mark Wentworth, K. Caswell, N. Davis, M. Trask, C. Krikes, N. Christiansen, C. Carrier, P. Piper, L. Smith, E. Bosse, A. Boulanger, J. Keenan, I. Bailey, Walter Thung, Ronald Thompson, Douglas Tucker, Donald Wilbur, Norman Morrisette, Verlayn Laleme, Linda Prescott, Claire Marcotte, Armand Lafond, Barbara Meatley, Sharon Thurber, Lee Ann Joy, Robert Nesman, Frederick Fernald, Mary Neilsen, Henri Paquette, Judy Paul, Jeanne Howard, Fay Williams, Sue Paige, Richard Twombly, Lena Cammett, John Sullivan, Ann Benaris, Claire Demers, Stuart Hilton, Robert Pomery, and Nancy Easter.

### **Introduction, First and Second Reading of Senate Bills**

SB 156, An Act providing that the salaries of elected county officials be fixed by the county conventions. Introduced by Senators Bennett and Cleveland.

Referred to the Committee on Judiciary.

SB 157, An Act relative to investments of savings banks in industrial securities. Introduced by Senator Cleveland.  
Referred to the Committee on Banks and Insurance.

SB 158, An Act relative to keeping of records by registers of probate. Introduced by Rules Committee.

Referred to the Committee on Ways and Means.

SB 159, An Act establishing a new ward for the city of Manchester. Introduced by Senator Adams.

Referred to a Special Committee, consisting of Sena-

tors from Manchester: Packard, Caron, Provost, Daniel and Adams.

### House Message

The House of Representatives has passed the following bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 117, An Act to create a board of examiners of psychologists and to certify psychologists.

HB 231, An Act relative to sale of electrical appliances.

HB 299, An Act relative to benefits under the policemen's retirement system.

HB 365, An Act changing classification of a Lempster road.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 64, An Act relative to expenditure of state appropriations.

SB 70, An Act relative to investments by domestic life insurance companies.

SB 94, An Act relative to the Wolfeboro Village Fire Precinct.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 108, An Act relative to the issuance of county bonds.

HB 289, An Act relative to publication of ordinances of Portsmouth.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 103, An Act relative to increasing the borrowing capacity by school districts.

Amend said bill by adding at the end of section 33:4-a as inserted by section 1 of the bill the following new paragraph:

(e) The City of Manchester shall not incur net indebted-



ness for all municipal purposes, including school purposes, to an amount at any one time outstanding exceeding 8.75% of its valuation determined as hereinafter provided. Said City of Manchester is hereby authorized to apportion its debt between school and other municipal purposes in any manner and to any degree, except that the city may not incur net indebtedness for school purposes to an amount at any one time outstanding, exceeding 4% of its said valuation, except with the approval of the Board of Investigation hereinafter provided for which may increase the school debt to an amount not exceeding 6%. The foregoing debt limitations for the City of Manchester shall be exclusive of unmatured tax anticipation notes issued according to law, debts incurred for supplying the inhabitants with water or for the construction or maintenance of water works, debts incurred to finance new sewerage systems or sewage disposal works when the cost thereof is to be financed by sewer rent or sewer assessments, debts incurred pursuant to section 10 of chapter 31 of the Revised Statutes Annotated, debts incurred outside the statutory debt limit of the municipality under any general law or special act heretofore or hereafter enacted (unless otherwise provided in such legislation), sinking funds and cash applicable solely to the payment of the principal of debts incurred within the debt limit and indebtedness payable from parking meter revenue.

This provision for the City of Manchester repeals the debt limit provided for in the special act pertaining to said city embodied in Laws of 1955, Chapter 430.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

The President recognized Senator Holmes:

“Mr. President, this applies to the cities of New Hampshire which had increased their borrowing capacity by a special act of the last Legislature. When the bill was passed by the House, it was discovered that Manchester would not be covered. This amendment corrects that omission.”

On motion of Senator Holmes, the Senate voted to concur in the adoption of the amendment to the above entitled bill sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to adopt the amendment offered by the Com-

mittee on Engrossed Bills, to the following entitled House bill, in the adoption of which amendment the House of Representatives ask the concurrence of the Honorable Senate:

HB 287, An Act relative to meetings of the council of Portsmouth.

Amend section 1 of said bill by striking out the first nine lines and inserting in place thereof the following:

1. *Portsmouth Charter.* Amend 1947, 398:18, as amended by 1953, 320:1 by striking out the word "Thursday" in the third, fourth and fifth lines, and inserting in place thereof the word, Monday, and by striking out the words "seven o'clock" in lines two and three and inserting in place thereof the words, some time between seven and eight-thirty o'clock, to be set by the council, so that said section as amended shall read as follows: 18. *Meetings.* All meetings of the council shall be public. Regular meetings shall be held at some time between seven and eight-thirty o'clock, to be set by the council, in the evening on the first Monday of each month, providing when said first

On motion of Senator Humphreys, the Senate voted to dispense with the reading of the amendment.

The President recognized Senator Humphreys:

"Mr. President, it was simply a technical correction. It is the same amendment as we passed here in the Senate."

On motion of Senator Humphreys, the Senate voted to concur in the adoption of the amendment to the above entitled bill sent up from the House of Representatives.

### **Introduction, First and Second Reading of House Bills**

The above bills, passed by the House, were introduced, read a first and second time, and referred as follows:

HB 117 to the Committee on Ways and Means.

HB 231 to the Committee on Banks and Insurance.

HB 299 to the Committee on Finance.

HB 365 to the Committee on Public Works.

### **Committee Reports**

HB 371, An Act relative to disposition of fines imposed on appeal to superior court involving fish and game and motor

vehicle violations. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, this bill, as the title suggests, has to do with the disposition of fines imposed on appeal to superior court involving fish and game and motor vehicle violations. These fines now go to the state treasurer. This bill would have them go to the county instead of the state. Last year, approximately \$6,500 went to the state. There was no opposition. We understand from the Chairman of the Judiciary Committee in the House that there was no objection there. The committee unanimously recommended its passage."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 91, An Act relative to interstate compact on mental health. Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, this bill probably should not have been referred to the Committee on Finance as it has no appropriation. However, we did hold a hearing and I believe we understand the purpose of it. Briefly, this compact would set up a compact between states, particularly in the New England area, for the transfer of mental patients between state institutions. They can be transferred now, but the procedure is a little cumbersome. It depends upon the resident requirements in each state. While not perfect, it does provide a medium under which transfers can be made. It seems that is based primarily upon the best interests of the individual in institutions. For example, if a family had a member who was an inmate of the State Hospital here, and they moved to another state, for the convenience of having the patient nearer to their home, the transfer could be made. The same would be true of a family moving into this state. It is safeguarded by orders of the probate court — interviews and approval of the family involved. A state institution is not compelled to take an individual if they feel that they should not do so — lack of space, etc. The committee was in favor of the bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 34, An Act authorizing the attorney general to establish a police training school.

Report of the Committee on Finance (Senator Caron): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, the purpose of this bill is very commendable. Briefly, it would set up a police training school at the University of New Hampshire. It would be at the expense of the state. We had a number of chiefs of police appear before the committee in favor. There was no special opposition. However, it appeared that it would benefit the city police departments more than those of the smaller communities. At the present time, the city police departments do have a training school. They have the benefit of the FBI training school program which is carried on in local areas. The committee felt that while it was a good proposition, it would set the state up in an activity which might expand considerably. It would cost \$5,000 a year, and the committee believed it wise to report it as inexpedient at this time."

The President recognized Senator Paquette:

"Mr. President, I sponsored this bill and it was put in at the recommendation of the police chiefs of New Hampshire. I am not going to fight this on the floor, but I thought it was a good bill. I will vote against the resolution of the committee, inexpedient to legislate, on this bill and will vote in favor of this bill."

Senator Lamontagne moved that the words "ought to pass" be substituted for the words "inexpedient to legislate", and spoke in favor of the motion.

Senator DeLude spoke in opposition to the motion to substitute, stating:

"The school, as I understand it, would be held only once a year. Our local police officer in my very small town has just completed a very excellent FBI course held in Claremont and has received a certificate for same. Where courses like that are available, it would seem unwise to pass this bill. I do not believe

that small towns can afford it nor would they take advantage of it.”

Senator Holmes inquired if the bill made it mandatory.

Senator Merrill replied in the negative, stating that it was permissive.

The President recognized Senator Humphreys:

“Mr. President, it appears that this bill is somewhat controversial. I have not had a chance to study it and would therefore move that it be laid upon the table with the accompanying report and made a Special Order of Business for next Wednesday, May 8, at 11:01 o’clock.”

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

HB 387, An Act to amend certain provisions relating to railroad fares and conduct of railroad passengers. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

“Mr. President, this bill makes no change in the law. It corrects a printing error in the Revised Statutes Annotated. When the type was set, two sentences printed out of context caused confusion. No new content in statute. It was felt by the committee that handled the revision that the law should be reenacted properly.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o’clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

HB 166, An Act relative to the state emblem.

HB 214, An Act relative to the powers of village precinct of Hanover to install parking meters and to incur indebtedness for off-street parking facilities.

HB 265, An Act relative to the Gafney Home for the Aged.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

**Communication**

The Honorable Mr. Eralsey C. Ferguson  
President of the N. H. Senate  
State House, Concord, N. H.

DEAR MR. FERGUSON:

As this is Mental Health Week across the nation, the New Hampshire State Hospital wishes to extend a cordial invitation to all members of the Senate to visit our institution during Open House Day, Thursday, May 2.

An interesting program has been planned beginning at 1:30 in the Howard Recreation Center. Exhibits of Hospital activities will be on display in the gymnasium, and conducted tours of some of the buildings are also planned.

We hope many members can take this opportunity to visit with us.

Sincerely,

WALTER H. COMEE,  
*Business Administrator III.*

for DR. EARL K. HOLT, M.D.,  
*Superintendent.*

**Special Order of Business**

It now being 11:01 o'clock, Senator Rogers called for the Special Order.

Being, consideration of HB 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway.

Question being on the adoption of the amendment offered by the Committee on Public Works.

Amend section 1 of the bill by striking out in line 2 the words "Kancamagus Highway" and inserting in place thereof the words, New Hampshire Forest Highway 8, so that said section as amended shall read as follows: 1. *Highway Classified.* The Federal Forest Highway, known as the New Hampshire Forest Highway 8, in the towns of Lincoln, Livermore, Waterville, Albany and Conway shall hereafter be classified as a class II highway.

The President recognized Senator Rogers:

"Mr. President, the original form of this bill as it came from the House referred to the Forest Highway which I

understand is approximately 25 miles in length running from the town of Lincoln to the town of Conway. This road is incomplete. I am taking this opportunity to explain the bill in connection with the amendment. I move that the amendment offered by the committee be defeated; and I will speak in support of that motion. At the public hearing, there was an amendment offered to strike out the words 'Kancamagus Highway' and inserting in place thereof the words, between Lincoln and Conway. The committee in adopting the amendment as read was attempting to take a neutral position due to the fact that the towns on the east side of the mountain which would comprise the majority of the mileage of this highway were not in favor of naming it the Lincoln Valley Highway. No one on the committee took the position that Kancamagus Highway would become the official name under the bill. In the amendment offered by the committee, which is now known as New Hampshire Forest Highway 8. If the Senate will follow my recommendation and defeat the amendment, I will then offer an amendment which will be more acceptable."

"The importance of this bill is, that upon completion of this highway by the use of federal funds, it can be taken into the state system as a class II or secondary highway. The importance of the bill is not the naming of the highway — it is the completion of the highway. There is available \$375,000 for the completion of this road. I have been told that an additional amount of money, \$225,000, will be made available by the federal government, for a total figure of \$600,000. I urge the Senate to pass the bill. I urge the Senate to kill the amendment offered by the committee and I will then submit an amendment which removes the controversial question of naming. The same amendment was introduced to the Committee on Public Works in the House and was rejected by them. If this bill goes back into the House, in any event, it is likely that there will be a Committee of Conference. Those who favor the naming of the Lincoln Valley Highway may still vote for my amendment. I understand that there will be another amendment offered. I urge the Senate to adopt this amendment and then consider the bill entirely on its own merits."

Question being on the adoption of the amendment offered by the Committee on Public Works.

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Rogers offered the following amendment:

Amend section 1 of said bill by striking out in lines 1 and 2 the words "known as the Kancamagus Highway" and inserting in place thereof the words, between Lincoln and Conway, so that said section as amended shall read as follows:

1. *Highway Classified.* The Federal Forest Highway between Lincoln and Conway in the towns of Lincoln, Livermore, Waterville, Albany and Conway shall hereafter be classified as a class II highway.

Senator Lamontagne spoke in opposition to the above amendment, stating that he believed that there was another amendment to be offered which would be more feasible, and urged defeat of this amendment.

Senator Horner:

"Mr. President, I have an amendment to offer. I wish to state that 19.9 miles of this highway is located in District No. 3 and 14.5 miles are located in District No. 4. The purpose of this amendment is to name this highway after the state has taken over this highway. My towns are very much in favor of this amendment. Lincoln is the only town that has done anything toward the progress of this road. We would like to name the road at the same time, as the Planning and Development Commission is planning a big kick-off at the time the road is completed."

Senator Lamontagne requested a one minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Question being on the adoption of the amendment offered by Senator Rogers.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

Senator Horner offered the following amendment:

Amend said bill by adding after section 3 the following new section:

4. *Highway Name.* The highway shall be named and hereafter known as the Lincoln Valley Highway.



Further amend said bill by renumbering section 4 to read, section 5.

Senator Bennett inquired of Senator Hodgdon if he was in favor of the name Lincoln Valley Highway.

Senator Hodgdon replied that he was not in favor.

Senator Lamontagne and Senator Karkavelas spoke in favor of the adoption of the amendment offered by Senator Horner.

Senator Humphreys inquired of Senator Hodgdon if he had any other name that he would like to propose.

Senator Hodgdon replied in the negative, and stated that he would rather not see it named at all at this time.

Question being on the adoption of the amendment offered by Senator Horner.

On a *viva voce* vote, the Chair was in doubt and asked for a division.

Nineteen Senators having voted in the affirmative, the Chair declared that the state of the vote was manifestly in the affirmative, and the amendment was adopted.

Senator Hodgdon requested that he be recorded as having voted against this amendment.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 91, An Act relative to interstate compact on mental health.

HB 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway.

HB 371, An Act relative to disposition of fines imposed on appeal to superior court involving fish and game and motor vehicle violations.

HB 387, An Act to amend certain provisions relating to railroad fares and conduct of railroad passengers.

On motion of Senator Merrill, the Senate adjourned at 12:30 o'clock.

THURSDAY, MAY 2, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator Anderson requested leave of absence for the day on account of important business. This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

Dr. John Argue of Pittsfield, who was the guest of the President.

Miss Vicki Bennett of Bristol, the daughter of Senator Bennett, who was the guest of that Senator.

### **Special Order of Business**

Senator Rainie called for the Special Order of Business.

It being consideration of the proposed amendment to the Concurrent Resolution relating to Conference Committees.

Question being on the adoption of the Concurrent Resolution as amended by the Senate Committee on Rules.

The President recognized Senator Rainie:

"Mr. President, I move the adoption of the amended rule. This provides for three members from the House and three members from the Senate. If two members of the Conference Committee shall not assent, then the committee is dissolved. If only one member dissents, the report of the Conference Committee will be accepted. Also, the first named from the branch requesting the Committee of Conference shall serve as chairman."

The President recognized Senator Adams:

"Mr. President, I would like to inquire of the proponents, what is the purpose of this change? What is the matter with the procedure that we have been using?"

The Chair made the following statement in reply to the above inquiry:

"At the present time, we have no rules in connection with Committees of Conference; neither for the appointment, or selection of a chairman of the Committee of Conference, or

what happens if they agree or if they do not agree — just nothing. This is the first time that an attempt has been made to set up a Committee of Conference. It has been an unwritten law that there would be three members from the House and two members from the Senate. It was also an unwritten law that it had to be unanimously approved to be accepted by the Speaker of the House and the President of the Senate. This sets up three members of the Senate and three members of the House. It stipulates that the first named member of the branch requesting the conference shall act as chairman. It stipulates that when three members of one branch and two members of the other branch agree, they shall write out a report and sign their names to it. Such compromise shall be reported back to each branch. This provides that if only four agree, that is not a sufficient number. If no compromise can be reached, a new Committee of Conference may be appointed. A report shall be made not later than nine legislative days unless by majority vote of each branch. The only change in this suggested rule which passed the House was it would change the number necessary to affect a compromise from four to five. The House felt that two from the Senate and two from the House should agree.”

The President recognized Senator Adams:

“Mr. President, I rise in opposition to this proposed resolution. Not on the basis that I don’t think that Committee of Conference should be covered by rules, rather than by custom. From experience, I believe that it is difficult to get two members together to agree, and I believe it would be almost impossible to get three to agree. Next, I think that Committee of Conference reports should be unanimous. As a matter of custom, it has always been the practice to appoint one opponent to the bill under consideration and one proponent, and that they must compromise their differences in some manner in order to get the bill out of Committee of Conference and reported favorably. I believe that is good practice. I believe it unwise to change. I would go along with having written rules and regulations for Committee of Conference, but other than that believe it should be handled as it is now.”

(Senator Holmes in the Chair)

The President recognized Senator Rainie:

“Madam President, ever since I have known anything about this Committee of Conference business I have wondered about the lack of regulation in governing it. As it is now, we have three members from the House and two members from the Senate. I believe it should be equal — three members from each branch. The power is equal. I think this is reasonable. For instance, we have right now a case where the entire Senate is in favor and one member is definitely against. If this member persists in this attitude, the desire of the Senate is thwarted and the wishes of the Senate goes to pieces. I believe this clears up some unfavorable conditions.”

The President recognized Senator Ferguson:

“Madam President, I wholeheartedly support the remarks made by Senator Rainie. It has been incomprehensible to me in the past that one member of a Committee of Conference should kill a bill which, in part at least, has been approved and passed by each branch of the General Court. That has been the position in the past. I remember last session — a highway bill having to do with land damage claims — because one member would not sign the Committee of Conference report, the whole bill was killed and there were parts of the bill that were very good. When this Committee of Conference rule came into the Senate, I might say I for one wanted to strengthen it by limiting the discussion only to the sections in controversy. This is nothing unusual. I might even go further and state that the majority floor leader of this Senate does not agree with this bill and unless he felt that under compunction, I am sure he would have taken the same position as Senator Adams. He did not like it — not allowing one member of each branch to kill a Committee of Conference report. In talking this over with other people, I found that they rather liked the manipulating of the rules whereby they were able to get on a Committee of Conference and by one vote kill a bill which had been passed by at least one branch of the Legislature. A Committee of Conference is set up to dissolve differences of opinion and not to let a minority member in either branch have the power to kill that bill. I support Senator Rainie and hope that the Senate will adopt this proposed joint rule and send it into the House for concurrence, which concurrence I have been assured they will go along with.”

The President recognized Senator Caron:

“Madam President, due to the fact that there is such a difference of opinion here, I would request a two minute recess.”

The above request was granted by the Chair.

(Recess)

The Senate re-assembled.

Question being on the motion of Senator Rainie.

Senator Lamontagne moved that further consideration of the proposed amendment to the Concurrent Resolution be laid upon the table and made a Special Order of Business for next Wednesday morning at 11:02 o'clock.

On the above motion, Senator Karkavelas requested a division.

Twelve Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the motion carried.

### **Introduction, First and Second Reading of Senate Bill**

SB 160, An Act relating to judgments rendered in Canadian courts.

Introduced by Senator Karkavelas.

Referred to the Committee on Judiciary.

### **House Message**

The House of Representatives has passed the following bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 154, An Act relating to the equipment of motor buses.

HB 278, An Act relative to special parking privileges for persons with so-called walking disabilities.

HB 285, An Act relative to the misuse of motor vehicle number plates.

HB 400, An Act relative to establishment of a board of institutions, corrections and hospitals.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court.

### **Introduction, First and Second Reading of House Bills**

The above bills, passed by the House, were introduced, read a first and second time, and referred as follows:

HB 154 to the Committee on Transportation.

HB 278 to the Committee on Transportation.

HB 285 to the Committee on Transportation.

HB 400 to the Committee on Judiciary.

### **Committee Reports**

HB 106, An Act relating to liens on real estate for assistance to permanently and totally disabled. Report of the Committee on Public Health, Welfare and State Institutions (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator DeLude:

“Madam President, the only thing that this bill does is to add to the present statute the provision that the state, and through the state, local committees, shall have a lien on real estate for assistance given to those people who are permanently and totally disabled. They now have a lien provision for those receiving old age assistance and this would enable them to do the same for people permanently and totally disabled.”

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 107, An Act relative to adoption of minors, and aid to needy children.

Report of the Committee on Public Health, Welfare and State Institutions (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator DeLude:

“Madam President, this bill does three things. The first portion of the bill simply reinstates a very large portion of the law pertaining to the law regulating the adoption of children, which through an oversight in the Revised Statutes Annotated was left out. Secondly, this simply provides that all such agencies shall be included in the future, rather than naming each individual agency. Thirdly, it changes the present set up to allow the State Welfare Department to provide sub-

sistence for needy children even though they are over 16 years of age if they are not in school because of disability, etc. This will raise the age limit to 18 for children of this type."

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 7, Joint Resolution in favor of John T. Keane.

Report of the Committee on Claims (Senator English): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Madam President, the cattle of the Industrial School on several occasions and particularly on September 7, 1956, broke through the fence and did damage to the garden of Mr. Keane. There seemed to be no question whatsoever of the cattle breaking loose and the damage caused. There was some evidence that the claim was set too high. However, the committee came to the conclusion that it should be met." (The amount was \$225).

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 8, Joint Resolution in favor of Theodore F. Von Hagen.

Report of the Committee on Claims (Senator English): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Madam President, on the same night of September 7 also these cattle did damage to the property of Theodore F. Von Hagen. Here again there was no question but what the damage was done. The claim of \$125 appeared to be reasonable. It was the unanimous opinion of the committee."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 11, Joint Resolution in favor of certain towns in payment of porcupine bounties.

Report of the Committee on Claims (Senator English): Ought to pass.

The President recognized Senator English:

"Madam President, in this case the Committee on Claims reversed itself. The claim arises from the fact that the Legis-

lature dropped the bounty on porcupines and the Secretary of State notified each selectman that payment would not be paid until the first of December. But it appeared to the committee that there were extenuating circumstances. The selectmen had been in the habit of making payment at the end of the year. The committee realized that the selectmen have very little facilities, office help, etc. There was indeed some reason why by oversight that these bills were not submitted on the deadline of November first. Upon further consideration of the seven or eight towns involved, it was felt that the claim was justified."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 37, Joint Resolution in favor of Walter H. Burbee.

Report of the Committee on Claims (Senator English): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Madam President, this is a very unusual claim in several respects. The highway department was experimenting with a mixture of cement and other ingredients to be used to stabilize the shoulders of the road. However, when the highway department attempted the spraying of this mixture for stabilization, a considerable wind came up and this fine dust-like mixture was blown around to some extent. Mr. Burbee had a car lot with second-hand cars which were polished up for resale. This cement mixture blew all over the cars. It cost him \$10 per car to clean these up and put them in condition for resale. There was no objection from the highway department."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 43, Joint Resolution in favor of Fletcher P. Forsyth.

Report of the Committee on Claims (Senator English): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Madam President, he is a state trooper. He was on duty and was called to the scene of a serious accident where a tank trailer containing gasoline had been run into by a car. The passengers in the car had been killed. The gasoline spilled all



over the truck. In trying to rescue the bodies and control the spreading of the fire, he inhaled a good deal of the fumes at this fire. He had to be treated and this provides for payment of these treatments."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HB 228, An Act relative to the salaries of the justice and special justice of Hampton municipal court.

Report of the Committee on Engrossed Bills (Senator Horner) :

Under Joint Rule No. 6 with the following amendment :

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Hampton Municipal Court.* Amend paragraph I of RSA 501:7 (supp) as amended by 1955, 133:1; 182:1; 279:1; 296:1; 1957, 66:1; 1957, 83:1 and an act relative to the salary of the justice of Portsmouth municipal court passed at the 1957 session, by inserting

Further amend said section 1 of said bill by striking out the words "two thousand five hundred" after the word "Portsmouth" and inserting in place thereof the words, three thousand, and by adding at the end of said section the following:

In Haverhill, eight hundred dollars.

In Salem, one thousand dollars.

On a *viva voce* vote, the amendment offered by the Committee on Engrossed Bills to the above entitled bill was adopted.

On motion of Senator Adams the rules of the Senate were so far suspended as to permit the introduction of two committee reports not previously advertised in the Journal.

HB 352, An Act legalizing the proceedings of the town meeting held in Atkinson, March 12, 1957.

Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Adams:

"Madam President, this is simply a legalization bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 127, An Act relative to debt limit of Salem school district. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Adams :

“Madam President, this is to do just what it says — to raise the debt limit in order for them to borrow money for a new school building. They are anxious to get this passed as soon as possible in order that the bonds may be issued and work may be started on the building. Unanimous report of the committee.”

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Adams, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### Third Reading of Bill

The following entitled bill was read a third time and passed, and sent to the House of Representatives for concurrence :

SB 127, An Act relative to debt limit of Salem school district.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills :

HB 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court.

HB 108, An Act relative to the issuance of county bonds.

HB 287, An Act relative to meetings of the council of Portsmouth.

HB 371, An Act relative to disposition of fines imposed on appeal to superior court involving fish and game and motor vehicle violations.

HB 387, An Act to amend certain provisions relating to railroad fares and conduct of railroad passengers.

SB 64, An Act relative to expenditure of state appropriations.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

On motion of Senator Rhodes, the Senate voted to request the supreme court to give their opinion on questions of law relative to the following bill:

SB 98, An Act providing that each town and ward shall have representation in the House of Representatives at each session of the legislature.

The President recognized Senator Caron who stated that she desired to serve notice that she would recall from the Governor SB 103, An Act relative to increasing the borrowing capacity by school districts.

On motion of Senator Caron, the Senate went into afternoon session. When the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

On motion of Senator Daniel, the Senate voted to adjourn in honor of the wonderful job of presiding by Senator Holmes.

### **Afternoon Session**

#### **Third Reading of Bills and Joint Resolutions**

The following entitled bills and captioned joint resolutions were read a third time and passed:

HB 106, An Act relating to liens on real estate for assistance to permanently and totally disabled.

HB 107, An Act relative to adoption of minors, and aid to needy children.

HJR 7, Joint Resolution in favor of John T. Keane.

HJR 8, Joint Resolution in favor of Theodore F. Von Hagen.

HJR 11, Joint Resolution in favor of certain towns in payment of porcupine bounties.

HJR 37, Joint Resolution in favor of Walter H. Burbee.

HJR 43, Joint Resolution in favor of Fletcher P. Forsyth.

HB 352, An Act legalizing the proceedings of the town meeting held in Atkinson, March 12, 1957.

Senator Holmes expressed her thanks to the President for the honor in asking her to preside. She also thanked the Senators for their kindness in not bringing up any difficult questions.

On motion of Senator Ferguson, the Senate adjourned in honor of Senator Holmes at 12:10.

TUESDAY, MAY 7, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed the following guests to the Senate:

As the guest of Senator Anderson, Mr. Richard W. Mahan of Concord, home on leave from the Navy.

As the guest of Senator Humphreys, his sister, Mrs. Julia H. White of Portsmouth.

The Republican ladies from Rockingham County who were visiting the Senate today as a part of the program of "Legislative Day" for that county.

### **Introduction, First and Second Reading of Senate Bills**

SB 161, An Act relative to contracts for projects for the fish and game department.

Introduced by Committee on Rules.

Referred to the Committee on Finance.

SB 162, An Act relating to the salaries of deputy registers of probate.

Introduced by Committee on Rules.

Referred to the Committee on Finance.

SB 163, An Act relating to the salaries of registers of probate.

Introduced by Committee on Rules.

Referred to the Committee on Finance.

SB 164, An Act legalizing the special actions taken at the special meeting of Hopkinton school district, February 6, 1957, and authorizing certain indebtedness.

Introduced by Committee on Rules.

Referred to the Committee on Education.

### **House Message**

The House of Representatives has passed the following bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 123, An Act relative to the computation of tax on legacies and successions, where property is held jointly.

HB 313, An Act relative to the salaries of the justices and clerk of the municipal court of Dover.

HB 331, An Act relative to powers of mayor and aldermen over finance committee in the city of Manchester.

HB 335, An Act relative to the state's share of the school superintendents' salaries.

HJR 49, Joint Resolution in favor of Mr. and Mrs. A. W. Weigele.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 2, An Act repealing certain provisions relative to the removal or discharge of Merrimack County employees.

SB 114, An Act relative to Hooksett School District.

SB 127, An Act relative to debt limit of Salem School District.

SB 134, An Act to legalize the proceedings of a special town meeting of Goffstown and to permit it to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 8, An Act relative to the unemployment compensation law and establishing the department of employment security.

### **Introduction, First and Second Reading of House Bills**

HB 123 to the Committee on Ways and Means.

HB 313 to the Committee on Ways and Means.

HB 335 to the Committee on Education.

HJR 49 to the Committee on Claims.

On motion of Senator Adams, HB 331 was referred to the Special Committee composed of the members of the Senate from the city of Manchester; namely, Packard, Caron, Provost, Daniel and Adams.

### **Committee Reports**

SB 66, An Act relating to the taxation of house trailers and mobile homes. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, we have quite a little bother with this bill in committee. It changes the taxation on trailers from a rather arbitrary system on which people occupying a trailer on the first of April must pay an entire year's taxation. As this bill provides, it will be on a more equitable basis — monthly. It can't do any particular harm. As it is proposed under the bill, it will mean some adjustment on the taxation. It was felt that it was better for people who come in in trailers for a limited time."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 122, An Act authorizing administrators or executors, with the assent of heirs or devisees, to mortgage real estate. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, at the present time, it is possible for an administrator or executor to obtain a license to sell property. But there has been some confusion as to whether or not it has been possible at the present time for an administrator or executor to obtain a license to mortgage property. This is not stated specifically in the statutes, although some authorities feel it is possible under the present law. This bill makes it specific, and for the better administration of the estate, that may mortgage the property. Of course this has to be done by petition signed by all the heirs, and representatives, in addition to the administrator. Time alone will tell how this works out."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 350, An Act relative to borrowing capacity for cooperative school districts. Report of the Committee on Education (Senator Merrill) : Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, this bill allows cooperative school districts to borrow 9% of their assessed valuation for the construction of schools rather than 6%. It is in line with the in-

creases made by the Senate and the House on the individual school districts. This applies only to the districts that have received authority to borrow."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 106, An Act relative to the salary of the sheriff of Strafford County. Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, this bill has been in our committee for some time, but was being held at the request of one of the Senators until the Strafford County delegation had its meeting. The action of the delegation was favorable and therefore the committee is reporting this bill favorably."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 161, An Act relating to fees of sheriffs and deputy sheriffs. Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, this bill has had a rough passage in our committee. We had a hearing some time ago and by being persistent, I finally got the committee to vote on it. It increases the fees for sheriffs and deputy sheriffs at court. Presently, that fee is \$10 per day. This would make it \$15. I can't say the committee was unanimous in reporting the bill as ought to pass; but I feel it safe to say that the majority of the committee felt that, as it had been through the House where the County Delegation could have objected to it if they so desired, but did not, it should be reported as ought to pass."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 72, An Act relative to compensation for the commissioners of Cheshire County. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend section 1 of said bill by striking out the words "two thousand" in lines 4 and 12, and inserting in place there-

of the words, one thousand six hundred, so that said section as amended shall read as follows:

1. Amend RSA chapter 28, section 28, as amended by chapter 247 of the Laws of 1955, and as amended by chapter 269 of the Laws of 1955, by striking out the words "In Cheshire, fifteen hundred" and inserting in place thereof the words, in Cheshire, one thousand six hundred, so that said section as amended shall read as follows: 28. *Commissioners*. The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, eighteen hundred dollars.

In Strafford, fifteen hundred dollars.

In Merrimack, two thousand dollars

In Belknap, fifteen hundred dollars.

In Hillsborough, three thousand seven hundred and fifty dollars.

In Cheshire, one thousand six hundred dollars.

In Sullivan, twelve hundred dollars.

In Grafton, eighteen hundred dollars.

In Coos, fifteen hundred dollars.

In Carroll county each commissioner, when employed in business of the county, shall receive ten dollars a day, payable as hereinbefore provided.

To the foregoing sums shall be added, in all counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

2. *Takes Effect*. This act shall take effect sixty days from the date of its passage.

The report was accepted.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

The President recognized Senator Holmes:

"Mr. President, the amendment really becomes the bill. The original bill was to raise the salary from \$1500 to \$2000. The amendment changes the figure from \$1500 to \$1600. That is the amendment and it now becomes the content of the bill."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.



HB 213, An Act relating to age of committal to the state industrial school. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Limitation.* Amend RSA 169 by inserting after section 30 the following new section: 31. *Committal of Children Under Eleven.* Notwithstanding any other provision of law children under the age of eleven years shall not be committed to the industrial school unless and until the court has referred the matter to and received the recommendation of an appropriate public or private agency as provided in RSA 461:2, as amended, or probation officer that there is no other public or private home or institution suitable for such commitment.

2. *Discharge.* Any child under the age of eleven years who is in the industrial school at the time when this act takes effect shall be eligible for transfer upon petition of the trustees on or before October 1, 1957, to the committing court in accordance with the preceding section.

3. *Takes Effect.* This act shall take effect sixty days after its passage.

The report was accepted.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

The President recognized Senator Holmes:

"Mr. President, the Senate amendment changes back the age below which children can be committed to the Industrial School. The principal objective is not to allow children below the age of eleven to be committed to the Industrial School. The House amendment changes below the age of ten unless the social worker or person in charge of the case finds no other suitable place for the child. The Senate amendment changes the bill to read eleven."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 103, An Act relative to increasing the borrowing capacity by school districts. Report of the Committee on En-

grossed Bills (Senator Horner) : Report the same under Joint Rule No. 6 and recommended that the bill as amended ought to pass.

Amend said bill by renumbering the paragraph 48 (e) which was inserted at the end of section 1 of said bill to read as follows:

2. *Special Provisions for the City of Manchester.*

Further amend said paragraph (e) by striking out the last sentence thereof and inserting in place thereof the following:

3. *Repeal.* Chapter 430 of the Laws of 1955, relative to debt limitations for the city of Manchester, is hereby repealed.

Further amend said bill by renumbering sections 2, 3, 4 and 5 to read sections, 4, 5, 6 and 7.

On a *viva voce* vote, the amendment was adopted.

**Special Order of Business, 11:01**

Senator Rainie called for the Special Order, which is on the recommendation of the Committee that SB 14, An Act relative to the detention of children in the state prison, is inexpedient to legislate.

Senator Cleveland inquired of Senator Rainie as to how many children there are now in the state prison that have been sent there from the Industrial School.

Senator Rainie replied that he did not know that, but he did know that during the stay of 2300 at the Industrial School only 23 have been sent to the state prison under the present law.

Senator Cleveland advised the Senate that "at the present time, there are six such children at the state prison. These children have been transferred from the Industrial School to the state prison without any sanction of any court in this state. What this bill tries to do is to at least make that transfer subject to a judicial review. I am against the taking of a child from the Industrial School and placing him in the state prison where he will eat at the same table and take part in the same activities as hardened criminals. I believe this transfer should not be done without official sanction. I tried to do it last session — only three boys were up there at that time. I went up and talked with them. They had no complaints,

but it is the principle that is important. All this bill tries to do is to say that when, or after, that boy is sent up there, these facts have to be reported to the court and the court has to approve that action. I fail to see why the ones in charge at the Industrial School have opposed this bill . . . . I move that the words ought to pass be substituted for the recommendation of the committee, inexpedient to legislate."

(Discussion ensued)

Senator Rainie:

"Mr. President, I rise in opposition to the motion of Senator Cleveland. He used the word 'children' but did not make it plain that these 'children' may be seventeen years of age, and those of us who have read the papers recently and have found out the crimes, the acts of vandalism, etc. that have been committed will understand that they are even more dangerous than if they were more than 21 years of age. This bill allows the commitment of the children to the state prison if the trustees deem it wise. . . ."

Senator Packard:

"Mr. President, two years ago this same issue was brought up by Senator Cleveland and it was defeated. I am not going to rehash what Senator Rainie has said. I have great respect for Mr. East, and I do not believe that he would come up here and oppose legislation that was not for the best interests of all concerned."

The President recognized Senator Cleveland who spoke a second time in favor of the motion to substitute:

"Mr. President, I will be brief. It is unusual to successfully overthrow a unanimous committee report and I do not believe that I will attempt to do that. But I do want the record to show certain things. I agree with Senator Rainie that some of these so-called delinquents are extremely dangerous people. I agree with Senators Rainie and Packard when they say that probably the best place for some of these children is in the state prison. I agree with them that Mr. East is a conscientious man. I agree with them that Parker Hancock is a good man and they will be well looked after if sent to the state prison. The question is: Should these people be transferred to state prison without a judicial review, or without order from the

judges, or from the courts? I do not believe that this should be done this way."

Senator Rogers:

"Mr. President, I believe there are two or three points that should be brought out in support of the committee report and against the motion to substitute. In the first place, the courts which send these inmates down to the industrial school do so as a last resort and as the last stop before prison. They take the people whose chance of rehabilitation is good and send them down there for fair and just treatment. When these people are sent down there, the court believes that it is just about the last chance for survival of those children in society. If we had one judge to serve in this special way, that would be one thing, but due to the high calibre of the people running the institution, the industrial school or other similar institution in New England that takes people up to the age of 18, it involves problems to the staff and trustees of the institution, and we must rely on the wisdom and fairness of these people. . . ."

Question being on the motion to substitute as offered by Senator Cleveland.

On a *viva voce* vote the negative prevailed and the motion to substitute was lost.

Question being on the adoption of the resolution of the committee that SB 14 is inexpedient to legislate.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

Senators Cleveland, Humphreys, and Bennett wished to be recorded as having voted against the committee report.

### **Special Order of Business, 11:02**

Senator Rainie called for the Special Order. Question being on the adoption of the committee report that SB 137, An Act exempting totally disabled persons from payment of poll and head taxes, is inexpedient to legislate.

Senator Cleveland moved that the words "ought to pass" be substituted for the report of the committee "inexpedient to legislate."

(Discussion ensued)

Senator Cleveland spoke in favor of the motion:

“Mr. President, this bill exempts from the head and poll taxes people described as being totally disabled. It is my opinion and I think that many of the Senators voted for the head tax with some hesitation. This was passed some six years ago to balance the budget and it is still with us. This tax is one that I view with some disfavor. I introduced this at the request of a person so disabled that he could not even get down here to the hearing. The tax commission is opposed to this bill because they do not like to see exemption to a tax . . . . .”

Senator Lamontagne spoke in support of the motion to substitute.

Senator Adams spoke in support of the motion to substitute.

Senator Daniel spoke in support of the motion.

Senator Rainie moved that bill with the accompanying report be recommitted to the Committee on Ways and Means, and spoke in favor of the motion.

Senator Packard spoke in favor of the motion.

(Discussion ensued)

Senator Humphreys and Senator Cleveland spoke against the motion.

Senator Rogers seconded the motion to recommit.

Question being on the motion to recommit the above bill to the Committee on Ways and Means.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Twelve Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the bill was recommitted to the Committee on Ways and Means.

### **Special Order of Business, 11:03**

Senator Packard called for the Special Order.

It being, Shall HB 368, An Act prohibiting the use of glass containers for the sale of gasoline, be read a third time?

Senator Packard moved that consideration of HB 368 be indefinitely postponed, and spoke in favor of the motion.

Senator Humphreys stated that he did not believe HB 368 was good legislation.

Senator Cleveland spoke against the motion, stating that

he wondered if it might be more important to recommit the bill rather than to kill the bill.

Question being on the motion of Senator Packard to indefinitely postpone.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

### Resolution

Senator Rogers offered the following resolution:

*Whereas*, the publisher of the Manchester Union-Leader has on many occasions referred to the President of the United States in terms which are not consistent with good ethics or common decency; and

*Whereas*, the right of free speech and free press does not grant the privilege of degrading the highest elective office in the nation; and

*Whereas*, the repeated and malicious abuse of the President is an unhealthy influence, akin to subversion; and

*Whereas*, on page 3 of the Union-Leader of Friday, May 3, the said publisher, William Loeb, has referred to the Chief Executive in a manner which is repulsive to all good citizens; now therefore

*Be It Resolved*, that the New Hampshire Senate condemns the unbridled use of such vicious and irresponsible language in the public press; and

*Be It Further Resolved*, that a copy of this resolution be mailed forthwith to the editor of each daily and weekly newspaper published within the State of New Hampshire.

Senator Rogers moved that the above resolution be laid upon the table, printed in the Journal, and made a Special Order of Business for next Tuesday at 11:01 o'clock.

(Discussion ensued)

Question being on the motion of Senator Rogers.

The President recognized Senator Lamontagne:

"Mr. President, I would like to have my remarks recorded and this is why — I have nothing against the President of the United States. Neither do I care that he is of the opposite party from what I am. But I certainly believe that this matter here is only between the person and not the Senate of New

Hampshire. I am going to be against this resolution because I believe in the freedom of the press."

Senator Cleveland stated that he would vote in favor of the motion of Senator Rogers.

Question being on the adoption of the motion of Senator Rogers.

On this question, Senator Lamontagne demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Karkavelas, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, Paquette, Packard, Caron, Provost, Daniel, Bergeron and Adams.

Fifteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the motion carried.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 66, An Act relating to the taxation of house trailers and mobilehomes.

SB 72, An Act relative to compensation for the commissioners of Cheshire county.

SB 106, An Act relative to the salary of the sheriff of Strafford county.

SB 122, An Act authorizing administrators or executors, with the assent of heirs or devisees, to mortgage real estate.

HB 161, An Act relating to fees of sheriffs and deputy sheriffs.

HB 213, An Act relating to age of committal to the state industrial school.

HB 350, An Act relative to borrowing capacity for co-operative school district.

### Resolution

Senator DeLude offered the following resolution:

*Whereas*, the Senate has learned with sorrow of the passing of Mrs. Francis P. Murphy, the wife of our former Governor, therefore be it

*Resolved*, that we, the members of the Senate, wish to extend our heartfelt sympathy to Governor Murphy and family, and when the Senate adjourns today, it be in memory of Mrs. Murphy, and be it further

*Resolved*, that the Clerk be instructed to transmit a copy of these resolutions to the family.

On a *viva voce* vote, the Senate unanimously adopted the above resolution.

On motion of Senator Rainie, the Senate adjourned in honor of Mrs. Murphy at 1:12 o'clock.

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WEDNESDAY, MAY 8, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the Senate:

In the gallery, the pupils of the 7th grade of the Pembroke School.

To the floor of the Senate, Mr. Joseph Cashman of Nashua, who was the guest of Senator Paquette.

To the floor of the Senate, Colonel Allen Erickson, Commander, Grenier Air Force Base; Lt. Colonel Peter J. Agrafiotis, and Major Clyde Connor.

The President invited Lt. Colonel Agrafiotis to the rostrum to address the Senate briefly which he did with reference to Saturday of next week, May 18, being Armed Services Day, and extending an invitation to the Senators to visit Grenier Air Force Base in Manchester, Portsmouth Air Base, or the National Guard reservation here in Concord. Open house will be in effect at all of these areas and the public is cordially invited to attend.



**Communication**

An Invitation for Wednesday, May 22,  
from Harry A. Gregg, Treasurer,  
Crotched Mountain Foundation.

*To the Members of the General Court:*

Through the cooperation of a number of Concord organizations, we have arranged to put on a rehabilitation demonstration on May 22, at 7:30 P. M., at the Concord City Auditorium. We are certain you will find this program extremely interesting and instructive, and we sincerely hope you will be able to attend. Prior to the demonstration, a dinner will be held at the State Armory at 6:30; but those wishing to attend the demonstration, which is free and open to all, need not attend the dinner. Reservations for the dinner, at \$1.85 apiece, may be made through Mr. J. Edward Bouvier, Chairman of the House Committee on Public Welfare and State Institutions.

**Introduction, First and Second Reading of Senate Bills**

SB 165, An Act relating to purchase of liability insurance under a fleet policy.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

SB 166, An Act relating to the board of approval for bonds of state employees and officials.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

**House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 410, An Act granting zoning authority to the Kearsarge Lighting Precinct.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 85, An Act providing for the classification of Beaver Brook Watershed.

SB 130, An Act relative to right of way for highway purposes through state hospital land.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 228, An Act relative to the salaries of the justice and special justice of Hampton municipal court.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

HB 8, An Act relative to the unemployment compensation law and establishing the department of employment security.

Amend section 16 of said bill by striking out the first two lines and inserting in place thereof the following:

16. *Discrimination.* Amend RSA 282:13 by inserting after subsection C the following new subsection: D. *Prohibition*

Amend section 17 of said bill by striking out the sixth and seventh lines and inserting in place thereof the following: by counsel for the department of employment security in any county in which the employer has or had a place of business or the violator resides.

On motion of Senator Adams, the Senate voted to concur in the adoption of the amendments sent up from the House of Representatives.

### **Introduction of Guest**

The President welcomed to the floor of the Senate, United States Senator Norris Cotton, the junior Senator from the State of New Hampshire, and requested the Sergeant-at-Arms to escort him to the rostrum. He invited him to say a few words to the Senate. Senator Cotton spoke briefly, expressing his pleasure at the privilege of addressing the Senate this morning.

**Introduction, First and Second Reading of House Bill  
HB 410, to the Committee on Ways and Means.**

**Committee Reports**

HB 375, An Act adopting an interpleader compact. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill is another interstate compact bill and has to do with interpleader legislation. Briefly, it has to do with a situation when someone owes money, but is uncertain as to whom to make payment. Without this type of compact bill, you cannot have that type of legal action unless you use the federal courts and that cannot be done unless more than \$500 is involved. This legislation has been adopted by over 20 states and is another one of the compact bills. There was no opposition at the hearing."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SJR 4, Joint Resolution in favor of Ernest Morgan. Report of the Committee on Claims (Senator English): Inexpedient to legislate.

The report was accepted.

The President recognized Senator English:

"Mr. President, this is a case where Mr. Morgan was driving his car during a cloudburst following a very heavy rain. The shoulder of the road was washed away and the first part of his car was in the gulley. Later as the gulley deepened, more the car was off the road. The car was pulled out and sustained some damage. The claim alleged that the highway department was negligent. The committee held three hearings on this resolution unanimous of the nature that the highway department cannot be held responsible for acts of God, such as this.

On a *viva voce* vote, the resolution of the committee, inexpedient to legislate, was adopted.

Senator Cleveland asked to be recorded as having voted against the adoption of the report of the committee, inexpedient to legislate.

HB 370, An Act relative to the designation of a class I highway in Walpole. Report of the Committee on Public Works: (Senator Bennett): Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, this bill relates to the reclassification of a section of about one-half mile of road in the town of Walpole. It appears at the present time that Route 12, which is one of the principal north and south routes on the western side of the state, crosses the Connecticut River into Vermont for a distance of about one-third of a mile and then recrosses the Connecticut River back into New Hampshire. The highway department agrees with the town officials in the town of Walpole that this is an unfortunate situation. The highway department therefore recommends that a section of road lying on the east side of the river (about one-half mile) be reclassified as a class I state highway. There are no funds in the present budget available for proposed reconstruction, but it is, in the opinion of the committee, in the best interests of the state to take over the maintenance of this section and eventually complete the reconstruction as a first class highway on the New Hampshire side of the river."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator English, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

HJR 46, Joint Resolution in favor of Kenneth W. Hayward. Report of the Committee on Claims (Senator English): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, the only reason for bringing this committee report in under suspension of the rules is to get along with our business as we near the end of the session. Kenneth W. Hayward is a member of the state police and this amount of \$708.25 is for injuries received by him in line of duty in January, 1955. He injured his knee while on active duty. After expenses covered by insurance, he was out of

pocket \$708.25. Colonel Caswell feels that it is a just and proper claim and so did the committee."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

### House Message

The House of Representatives has passed a bill with the following title, in the passage of which it asks the concurrence of the Honorable Senate:

HB 428, An Act providing for a supplemental appropriation for expenses of the legislature.

### Introduction, First and Second Reading of House Bill

HB 428 to the Committee on Finance.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to vacate the order whereby the above entitled bill was referred to the Committee on Finance, that reference to committee be dispensed with, and that the bill be placed on its third reading and final passage at the present time.

### Third Reading of Bill

The following entitled bill was read a third time, and passed:

HB 428, An Act providing for a supplemental appropriation for expenses of the legislature.

### Report of Committee of Conference

The Committee on Conference, to whom was referred HJR 19, Joint Resolution in favor of Florence Smith, having considered the same, reported the same with the following recommendation:

That the House recede from its position of nonconcurrence and concur with the Senate in the adoption of its amendment.

ROBERT ENGLISH,

DEAN B. MERRILL,

*Conferees on the Part of the Senate.*

SUZANNE LOIZEAUX,

RUSSELL G. CHAPLIN,

JOHN F. KELLEY,

*Conferees on the Part of the House.*

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and captioned House joint resolutions:

HB 106, An Act relating to liens on real estate for assistance to permanently and totally disabled.

HB 352, An Act legalizing the proceedings of the town meeting held in Atkinson, March 12, 1957.

SB 70, An Act relative to investments by domestic life insurance companies.

SB 2, An Act repealing certain provisions relative to the removal or discharge of Merrimack county employees.

SB 114, An Act relative to Hooksett School District.

SB 127, An Act relative to debt limit of Salem School District.

SB 134, An Act to legalize the proceedings of a special meeting of Goffstown and to permit it to borrow a certain sum of money outside its debt limit and provide for the guarantee of said debt.

HJR 7, Joint Resolution in favor of John T. Keane.

HJR 8, Joint Resolution in favor of Theodore F. Von Hagen.

HJR 11, Joint Resolution in favor of certain towns in payment of porcupine bounties.

HB 107, An Act relative to adoption of minors, and aid to needy children.

HB 288, An Act relative to preparation and posting of checklists in the city of Portsmouth.

HB 289, An Act relative to publication of ordinances of Portsmouth.

HJR 37, Joint Resolution in favor of Walter H. Burbee.

HJR 43, Joint Resolution in favor of Fletcher P. Forsyth.

NELLE L. HOLMES,  
*For the Committee*

The report was accepted.

**Special Order of Business at 11:01 o'clock**  
Senator Humphreys called for the Special Order.

Question being on the motion to substitute the words, "ought to pass," for the report of the committee, "inexpedient to legislate," on SB 34, An Act authorizing the attorney general to establish a police training school.

The President recognized Senator Humphreys:

"Mr. President, I would like to thank the members of the Senate for their courtesy in postponing this bill. That is, all but one member of the Senate. I am very much in sympathy with the purpose of this bill. We certainly need to have trained police officers, I don't think there is much question about that. But considering this bill as it is written now and without taking into consideration the matter of whether we can afford it or not, and whether or not we should set up another state agency, as it is written, I believe it is a bad bill. In the first place, it provides that candidates for police forces should be trained at the expense of the state. Also, after training, they might not be appointed. That would be contrary to the best interests of the state. Also, after spending the money to train them, we might lose them. In the second place, it provides that only members of any police department of any city or town accepting the provisions of this act shall take advantage of this training. There seems to be no reason why, if we were to have such a bill, having one on the police force for more than one year. If more training is needed, they should be trained. In the third place, it ties the attorney general's office in with the training school. I don't believe that is the place for it at all. It provides that all tuition costs shall be paid by the State and therefore communities who have no need or do not wish to send anyone there for training would have to share in the cost. In speaking before the committee, some police chiefs spoke in favor of the bill, but many would be in favor of the bill if some amendments were made to it. No amendments have been made up to this point and they have shown a lack of enthusiasm for the bill at this time. If the proponents of the bill are prepared to make extensive amendments to the bill, removing undesirable features, I might be able to support it. Otherwise, I could not, and I feel that the bill as written, the report of the committee, inexpedient to legislate, should be accepted."

Senator Paquette moved that this bill be recommitted to

the committee in order to give them a chance to write up an amendment which would be satisfactory to everyone.

Senator Merrill:

“Mr. President, as I stated the other day in regard to the committee’s action, the purpose of the bill is commendable. Therefore, we are not acting against any desirable features as a whole. The action of the committee is based solely on the cost of the program and while it is only \$10,000 at the present time, with amendments that might be made upon recommitment, we might find ourselves faced with a much larger appropriation. Certainly, the committee would have no objection to recommitment. However, if we take the same position that we have, it might very well come out of the committee again as inexpedient.”

Senator Rainie:

“Mr. President, I hesitate to oppose this motion of Senator Paquette, but it seems to me that this is a matter of common sense and it is going to be a waste of time to recommit this bill. It would seem to me that the remarks made by Senator Humphreys that after studying it, he believes the whole bill should be rewritten. As it is now, it would be under the attorney general’s department — that is entirely wrong. If it were to be under the state police, that would be understandable. So many objections have been voiced here this morning that I feel that it is ridiculous to recommit this bill, and I am against the motion.”

Senator English:

“Mr. President, I think that Senator Paquette is under some misapprehension. Many people were at the hearing. No amendments were offered and the real reason why amendments were not offered was the simple reason that it was felt if the bill was rewritten it might involve the creation or the setting up of an appropriation that could not be held at \$5,000. It might run into \$50,000 or more. It would appear to be a good idea, but one which had not been thought through or worked out. I feel that nothing much can be done.”

Senator Holmes spoke in favor of the motion to recommit the bill, stating:

“I feel that I should have more information. I have called the police chiefs in my district and have sent them the bill, but



I have not heard from them. I would greatly appreciate it if I might have that opportunity. I hope the Senate will go along with the motion to recommit."

Senator Lamontagne asked Senator Merrill how many were at the hearing that were in favor of this legislation.

Senator Merrill replied, probably eight or ten. No one was opposed to it. There were police chiefs there from Nashua, Berlin, Manchester and several other cities.

Senator Lamontagne stated that he was in favor of the motion to recommit the bill.

Senator Humphreys:

"Mr. President, I would like to clarify my stand. I do believe that the amendments that would have to be made to the bill would amount to practically rewriting the whole bill before I could support it."

Senator Bergeron stated that he believed the bill should be recommitted, but to a different committee than before.

Senator Caron stated that it was not a unanimous report. Stated that she was a member of that committee, but that she did not vote with the committee.

Question being on the motion to recommit.

On a *viva voce* vote, the Chair was in doubt.

Senator Lamontagne requested a division.

Ten Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the motion to recommit was lost.

The following named Senators desired to be recorded as having voted in favor of the motion to recommit the above entitled bill. Humphreys, Caron, Daniel, Lamontagne, Paquette, Holmes and Karkavelas.

Question is on the adoption of the motion to substitute the words "ought to pass" for the words inexpedient to legislate.

On this question, Senator Paquette demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Holmes, Paquette, Packard, Caron, Daniel, Karkavelas and Adams.

The following named Senators voted in the negative:

O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Rainie, Bergeron, Merrill and Humphreys.

Eight Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

Question being on the adoption of the recommendation of the committee that the above bill is inexpedient to legislate.

Senator Packard moved that the above entitled bill be re-committed to the Committee on Ways and Means.

On a *viva voce* vote, the Chair was in doubt.

Senator Paquette requested a division.

Senator Paquette then demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Holmes, Paquette, Packard, Caron, Daniel, Kar-kavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Rainie, Provost, Bergeron and Merrill.

Nine Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion to recommit to the Committee on Ways and Means was lost.

Question being on the adoption of the committee report that the bill is inexpedient.

On a *viva voce* vote, the affirmative prevailed, and the report of the committee was adopted.

### **Special Order of Business at 11:02 o'clock**

Senator Lamontagne called for the Special Order.

Question being on the adoption of the recommendation of the Committee on Rules that new Rule 13 be adopted.

Senator Cleveland offered the following amendment:

Amend the concurrent resolution by striking out the last sentence of the proposed resolution.

Senator Adams spoke against the proposed amendment, and moved that the resolution be laid upon the table with the pending amendment.

The Chair stated that this motion was not debatable.

Question being on the motion of Senator Adams.

On a *viva voce* vote, the Chair was in doubt.

Senator Adams requested a division.

Sixteen Senators having voted in the affirmative, the Chair declared that the vote was manifestly in the affirmative, and the motion was adopted.

Senator Rogers moved that the Senate request the supreme court to give its opinion on the constitutionality of SB 129, An Act relative to the federal aid highway act of 1956.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Senator Humphreys offered the following resolution:

### **Concurrent Resolution**

*Resolved*, that the following joint rule be adopted relating to a Committee of Conference:

13. Whenever a Committee of Conference is requested by either branch and such request is acceded to by the other, the President of the Senate shall appoint two members of the Senate and the Speaker of the House shall appoint three members of the House to serve on such committee. The first named member of the branch making a request for the Committee of Conference shall be chairman of the committee.

Senator Humphreys:

"Mr. President, this resolution of course is relative to the previous resolution which was laid on the table. I offer it as an entirely new resolution. It would make a start to get Committee of Conference procedure into the rules. As has been done, it provides for two from the Senate and three from the House, and the first named of the body asking for the Committee of Conference to serve as chairman. It would get it into the rules. I believe by adoption of this resolution, something will have been accomplished."

Senator Rainie moved that the above resolution be laid upon the table.

On a *viva voce* vote, the negative prevailed.

Senator Rainie requested a division.

Five Senators having voted in the affirmative, and twelve

Senators having voted in the negative, the negative prevailed, and the motion did not prevail.

Question being on the adoption of the resolution offered by Senator Humphreys.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Eighteen Senators having voted in the affirmative, and three Senators having voted in the negative, the affirmative prevailed and the resolution was adopted.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills and Joint Resolution

The following entitled bills and captioned joint resolution were read a third time, and passed:

HB 370, An Act relative to the designation of a class I highway in Walpole.

HB 375, An Act adopting an interpleader compact.

HJR 46, Joint Resolution in favor of Kenneth W. Hayward.

#### Personal Privilege

The President recognized Senator Packard who requested that the following correction be made in the proceedings of yesterday's Journal:

The third paragraph on Page 527 should read as follows:

Senator Packard:

"Mr. President, two years ago this same issue was brought up by Senator Cleveland and it was defeated. I am not going to rehash what Senator Rainie has said. I have great respect for Mr. East, and I do not believe that he would come up here and oppose legislation that was not for the best interests of all concerned."

#### Communication

Senator Rogers stated that he had received a communication from Dr. Nathan Brody, President of the Laconia Committee on Alcoholism, inviting all members of the Senate to attend a conference on alcoholism on May 15, 1957 at 8:00 P. M. at the Gardens Theater. The main speaker of the evening

will be Father John C. Ford, S.J., of Weston College, author of two books and many papers in the field of alcoholism, and a national authority in this field.

On motion of Senator Packard, the Senate adjourned at 12:47 o'clock.

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THURSDAY, MAY 9, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate, as the guests of Senator Karkavelas, former Senator Guy Smart of Durham and Miss Marie Nadeau.

The President welcomed to the gallery of the Senate, pupils of the Greenland School.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 233, An Act relating to conduct after a motor vehicle accident.

HB 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with a seeing eye dog or white cane on crosswalks.

HB 363, An Act relative to unemployment compensation — for lease purchase contract on behalf of the state for an office building for the division of employment security.

HB 405, An Act relative to annual returns of business corporations.

HB 412, An Act relative to the police department of the town of Exeter.

HB 413, An Act legalizing the school district meeting held in Hudson on March 16, 1957.

HB 418, An Act legalizing certain action taken by the town of Bristol and the Bristol village fire precinct.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 38, An Act relating to probate courts.

SB 78, An Act relative to salaries of court stenographers.

SB 79, An Act relative to employment of an extra court stenographer.

SB 96, An Act correcting certain errors in the statute relative to municipal budget law.

SB 112, An Act legalizing action taken at the town meeting held in the town of Derry in March, 1957.

SB 119, An Act relative to exclusion of certain public utilities from filing provisions.

SB 138, An Act legalizing a special meeting of Sullivan school district held January 24, 1957.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 135, An Act granting the attorney general subpoena power in certain cases.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 213, An Act relating to age of committal to the state industrial school.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

SB 103, An Act relative to increasing the borrowing capacity by school districts.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following Concurrent Resolution:

*Whereas*, through federal grant in aid programs the federal government by extravagant and unnecessary spending is forcing New Hampshire also to spend extravagantly to match and thus obtain back part of its own money, and

*Whereas*, New Hampshire citizens pay income taxes which go to Washington and are returned in part to New Hampshire under federal grant in aid programs in amounts

reduced by bureaucratic overhead, creating the false impression that the state is getting something for nothing, and

*Whereas*, in returning funds to New Hampshire the federal government ties strings to the use of these funds which interfere with local government, complicates the enactment of state legislation and forces the state to spend in fields it believes unwarranted, and

*Whereas*, it is common knowledge that local projects financed in part by federal funds usually cost excessively because of unnecessary federal requirements, and

*Whereas*, the New Hampshire Legislature feels that its citizens know better than the federal government how to spend the citizens' money and that local governments are more capable and efficient than the federal government in managing local programs, now, therefore be it

*Resolved* by the members of the New Hampshire Legislature in the 1957 session assembled:

1. That the federal government refrain from enacting new grant aid programs and re-examine all such existing programs and end or reduce their costs wherever possible.

2. That copies of this resolution be transmitted to the President of the United States, Vice President of the United States as President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member from New Hampshire in the Senate of the United States and in the House of Representatives of the United States.

3. That copies of this resolution be transmitted to the presiding officers of the Legislature of the other forty-seven states for their information and consideration by the clerks of the Senate and House of Representatives of the State of New Hampshire.

On motion of Senator Cleveland, the reading of the above Concurrent Resolution was dispensed with.

### **Introduction, First and Second Reading of House Bills**

HB 233 to the Committee on Judiciary.

HB 328 to the Committee on Transportation.

HB 363 to the Committee on Finance.

HB 405 to the Committee on Banks and Insurance.

HB 412 to the Committee on Judiciary.

HB 413 to the Committee on Education.

HB 418 to the Committee on Ways and Means.

### Committee Reports

SB 123, An Act prohibiting the trapping of beaver in Coos County for a limited period.

Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

The report was accepted.

The President recognized Senator Rhodes:

“Mr. President, all this bill does is to prohibit the trapping of beaver in Coos County for a period of two years. It does provide, however, that at any time the beaver are doing damage, the trapping may be allowed with the consent of the Fish and Game Department.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 284, An Act relative to the open season for taking fur-bearing animals.

Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

The report was accepted.

The President recognized Senator Rhodes:

“Mr. President, again, this bill just has to do only with Coos county. It changes the present law relative to the open season for taking fur-bearing animals to read October 20th instead of November 1st.”

On a *viva voce* vote the, bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to transportation of so-called Christmas trees.



Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 *Transportation of Coniferous Trees.* Amend RSA 221 by inserting at the end of said chapter the following new subdivision:

**Transportation of Coniferous Trees**

221:20 *Prohibition.* During the period from October first to December twenty-fifth, inclusive, no person shall transport at one time more than three coniferous trees, which he has obtained from another, from place to place along any public highway unless he has in his possession for inspection evidence that he is the owner of said trees, and can furnish the name and address of the person from whom he obtained said trees.

221:21 *Exceptions.* The provisions of the preceding section shall not apply to the transportation of coniferous trees in compact parts of cities or towns.

221:22 *Penalty.* Any person violating the provisions of this subdivision shall be fined not more than fifty dollars.

2 *Takes Effect.* This act shall take effect as of October 1, 1957.

The report was accepted.

On motion of Senator Bennett, the reading of the amendment was dispensed with, inasmuch as it was printed in the Journal of May 7th.

The President recognized Senator Bennett:

“Mr. President, it seemed to the committee members that there was enough merit in the original house bill to do a little work in committee to come up with something acceptable to all parties concerned. It seemed the best way to do this was to re-draft the bill from the beginning. In yesterday’s Journal you will see that we have done several things. We have defined the words ‘Christmas trees’ by stating ‘coniferous trees.’ We have limited it to October 1st to December 25th. We have limited the bill so that it would not be effective if the person stopped had less than three trees in his vehicle. Also it would not take effect in any compact city or town. The penalty is the same — \$50 for violation. We changed the bill to the extent that if a person is stopped he must furnish some

proof of ownership, but not necessarily a bill of sale. The real burden of enforcement will be on the trooper on the open highway. If he felt that the person stopped could prove what he said, that would be satisfactory evidence of proof of ownership. In the original bill, there was a provision that Christmas greens or boughs would be included. We struck that out as not practical. This is about as far as we can go as a first step. By trying this out for two years, we can find out just what effect this will have and corrections can be made at that time to correct errors."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 155, An Act to establish a new apportionment for the assessment of public taxes.

Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this was the bill that we had the hearing on before the bill was printed. If I remember correctly, the Chair had a few words to say about that. I think it would be a good idea to have the Clerk read this bill to prove to the Senate that we are not attempting to pull any fast ones, and I so move."

On a *viva voce* vote, the negative prevailed, and the bill was not read.

The President recognized Senator Cleveland:

"Mr. President, in view of the fact that nobody wants this bill to be read, it sets the equalized valuation for the ensuing biennium. Any questions may be referred to the New Hampshire State Tax Commission."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 400, An Act relative to establishment of a board of institutions, corrections and hospitals.

Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass with amendment.

Amend section 2. 10-A:2 of said bill by inserting after

the word "institutions" in line 5, the words, or to the general court, so that said section as amended shall read as follows:

2, 10-A:2 *Duties*. Said board shall meet once each year or at other times at the call of either the chairman of the board or the governor. Said board shall be advisory only and shall consider matters relative to the various institutions of the state as may be brought before it. It may make recommendations to the various governing boards of the institutions or to the general court.

Further amend said bill by inserting after the word "ultimate" in section 4, line 3, the word, executive, so that said section as amended shall read as follows:

4 *Boards of Control*. Amend RSA 10:1 by striking out the second sentence so that said section as amended shall read as follows: 10:1 *Governor and Council*. The ultimate executive authority over the state hospital, the Laconia state school, the industrial school, the state sanatorium and the state prison, including all real and personal estate used in connection therewith, the purchase of materials and supplies for said institutions and the departments of the state, as hereinafter provided, is vested in the governor and council.

The report was accepted.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

The President recognized Senator Cleveland:

"Mr. President, this is a bill that would establish one advisory board for the state institutions. Heretofore, there have been two advisory boards, its representatives appointed by or from each of the institutions. This advisory board makes recommendations to the various governing boards of the institutions. One of the amendments adds the words "or to the general court." The second amendment comes down toward the end of the bill — "the ultimate executive authority over those institutions . . . ."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 156, An Act providing that the salaries of elected county officials be fixed by the county conventions. Report of

the majority of the Committee on Judiciary (Senator Holmes, Humphreys, Karkavelas, Rhodes and Lamontagne): Inexpedient to legislate.

Report of the minority of the Committee on Judiciary (Senator Cleveland): Ought to pass.

The reports were accepted.

The President recognized Senator Cleveland:

"Mr. President, I move that this bill with these committee reports be laid upon the table and made a Special Order of Business for next Thursday, May 16, at 11:01 o'clock.

On a *viva voce* vote, the affirmative prevailed and the motion carried.

SB 132, An Act to authorize the state of New Hampshire to enter into a compact with the states of Maine and Vermont to establish a tri-state regional medical needs board.

Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, it appears that there is some substantial opposition to this bill and so I move that this matter be laid upon the table and made a Special Order of Business for next Tuesday morning, May 14, at 11:02 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

HB 117, An Act to create a board of examiners of psychologists and to certify psychologists.

Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The Chair stated that he would refer the above entitled bill to the Committee on Finance under the rules.

The President recognized Senator Rainie:

"Mr. President, I move that the order whereby the above entitled bill was referred to the Committee on Finance be vacated and that the bill be ordered to a third reading this afternoon at 2:00 o'clock. We had a very distinguished group appear before our committee. They satisfied us that the profession of psychology has become a matter of great im-

portance; in this country and in this state. The number of psychologists has increased very considerably in the past ten years. The preliminary study is for four years and the doctor of psychology which they require is three years more; a total of seven years of study. This bill puts them on the same basis as doctors, dentists, etc. and their fees will pay all their expenses. There is no appropriation involved. It seemed to the committee that it would be wise to have them organized, etc."

On a *viva voce* vote, the affirmative prevailed, and the motion of Senator Rainie carried.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and captioned joint resolution:

HB 8, An Act relative to the unemployment compensation law and establishing the department of employment security.

HB 428, An Act providing for a supplemental appropriation for expenses of the legislature.

SB 103, An Act relative to increasing the borrowing capacity of school districts.

HJR 46, Joint Resolution in favor of Kenneth W. Hayward.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

Senator Lamontagne offered the following resolution:

*Resolved*, That the Ways and Means Committee be and is hereby instructed and ordered to report HB 50, An Act relating to *pari mutuel* pools, with or without amendment, to the Senate on or before 11:00 o'clock on Thursday, May 16, 1957.

(Discussion ensued)

Senator Lamontagne withdrew his resolution.

Senator Adams moved that the Senate recess to allow the Ways and Means Committee to have an executive session.

Senator Cleveland moved that the Senate recess for 30 minutes for the purpose of allowing the Ways and Means Committee to meet in executive session and to bring a committee report out of committee.

Senator Caron moved that she would amend the above motion to the extent that the Senate wait, regardless of time, for the Ways and Means Committee to return and bring in the committee report.

Senator Rainie stated that he was in favor of that motion. Stated that it should not take over 15 minutes or so.

On a *viva voce* vote, the affirmative prevailed, and the amended motion of Senator Caron was adopted.  
at the rate of fourteen per cent of each dollar wagered plus the

(Recess)

The Senate re-assembled.

On motion of Senator Rainie, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

HB 50, An Act relating to pari mutuel pools.

Report of the majority of the Committee on Ways and Means (Senator Paquette): Ought to pass with amendment.

Amend the bill by striking out section 1, paragraph I, line 3, the words "thirteen and one-half" and inserting in place thereof the word, fourteen. Further amend the paragraph by striking out in line 10 the words "six and one-half" and inserting in place thereof the word, seven. So that said paragraph as amended shall read as follows: I. Commissions on such pools at tracks or race meets conducting a running horse race or running horse meet shall be uniform throughout the state odd cents of all redistribution to be based upon each dollar wagered, exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the seven per cent tax hereinafter prescribed.

Further amend the bill by striking out in section 2, paragraph I, line 6, the words, "six and one-half" and inserting in place thereof the word, seven. Further amend said paragraph by striking out in line 10, the words "one-fourth" and inserting in place thereof the words, three-fourths, so that said paragraph as amended shall read as follows: 2. *Distribution of*

*Tax.* Amend RSA 284:23 (supp) as amended by 1955, 74.2 by striking out said section and inserting in place thereof the following: 284:23 *Tax.* I. Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum equal to seven per cent of the total contributions to all pari mutuel pools conducted or made at any running horse race or running horse meet licensed hereunder. Of the amount so paid to the state treasurer a sum equal to six and three-fourths per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of this chapter and a sum equal to one-fourth of one per cent of said total contribution shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture.

Report of the minority of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendment.

Amend said bill by inserting after section 4 the following new section:

5. *Tobacco Tax Increase.* Amend RSA 87:7 (supp) as amended by 1955, 256:1 by striking out the word "fifteen" in the second and sixteenth lines and inserting in place thereof the word, twenty-one, so that said section as amended shall read as follows: 78:7 *Tax Imposed.* A tax upon the retail consumer, is hereby imposed at the rate of twenty-one per cent upon the value of all tobacco products sold at retail in this state measured by the usual selling price. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail, but the word "package" as used herein shall not include individual cigars, cigarettes, or plugs or hanks of chewing tobacco, and such stamps shall be affixed in denominations of not less than one-half cent to an aggregate value nearest the tax hereby imposed. No tax is imposed on any transactions the taxation of which by this state is prohibited by the constitution of the United States. Each unclassified importer shall within twenty-four hours after receipt of any unstamped tobacco products in this state notify the tax commission of the amount and brands of tobacco products received and the name and address of the consignor. The tax commission, thereupon, shall notify the unclassified

importer of the amount of the tax due thereon, at the rate of twenty-one per cent of the value thereof. Payment of the amount due the state shall be made within ten days from the mailing date of notice thereof. Any unclassified importer refusing to pay the tax on tobacco products imported by him within ten days after being notified of the amount of said tax by the tax commission, shall be subject to a fine of not less than twenty-five dollars or more than one hundred dollars.

Further amend said bill by striking out section 5, renumbering the same and inserting in place thereof the following:

6. *Takes Effect.* The provisions of section 5 shall take effect sixty days after the passage of this act, and the remaining provisions hereof shall take effect upon the passage of this act.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to pari mutuel pools and to tobacco tax.  
The reports were accepted.

The President recognized Senator DeLude:

"Mr. President, at this time, I will withdraw my minority report but will ask to be recognized on the matter of personal privilege. Mr. President, since my legislative days, I have been an ardent supporter of aid to education in any form that we might have before us. It is my firm belief that the minority report that I was prepared to present offered us a solution to the problem of aid to education. It is my opinion that the funds provided in the amendment proposed by the majority of the committee report will not provide the funds that we are going to need in order to do our job in this state in the matter of education. However, the amendment is not particularly germane to the issue, which is the tobacco tax. Massachusetts has not raised its tax on tobacco and there is a great deal of fear and hesitation on the part of some people that we might do injury if we were to pass the tobacco tax measure at this time. I have no doubt if we continue to appropriate funds, that we are going to find that our figures at the end of the biennium are going to be a sorry sight. I am thoroughly convinced that even though adjoining states do increase their tobacco tax, we are not going to injure ourselves to pass this tax. I believe



that we must do everything possible for education. I do not believe that we are accepting our responsibilities today nor have we done so in the past. The report by the majority is not going to do all that we would like on this matter. I would like to say that this is my own decision and mine alone. It is not the decision of the front office. All this was clear to me in the governor's supplemental budget message and I will read from that message:

'As I stated in my previous message, there are certain areas in which the state government owes much more responsibility than it has been willing to admit. I referred particularly to the burden carried by the local property taxpayer, increased in recent years to a large extent by the steadily mounting costs of public education. I referred also to the state's responsibility to higher education, which was met only in part by the increased appropriations I have already recommended for the state university.

'I now recommend total additional appropriation of \$1,536,000 for the next biennium for three specific purposes:

1. To further increase school equalization aid in the amount of \$737,000.
2. To further increase school building construction aid in the amount of \$407,000.
3. To provide an additional grant to the University of New Hampshire in the amount of \$392,000.'

"We are going to have to face facts. What we are doing here today is making a choice — we are not raising funds for these three specific purposes. We are going to pick and choose. We are only going to raise enough money for one and possibly two of the purposes. Now you take your choice. You are not going to be able to help them all. The latest information that I have on revenue for the end of this biennium shows that the amount left in the kitty, will be \$73,935. This is House computation. This is all that there is and I might also add that that will allow for the lapses. We have not granted any of these additional things yet. We have only appropriated enough to keep us going until June 30. We have not decided on special appropriations or special things as we are passing them day

by day. I believe that we need an additional tax to meet education needs. I am going to vote for it now. I am also going to insist that we consider additional revenue measures, if it seems possible. I would like to add this, this is my position and my position only. I believe that some people have stated that the Governor had stated that he would not accept HB 50 in its present form. He simply said that additional revenue was needed. If anyone is to blame, let me take the blame for it."

Question being on the adoption of the amendment offered by the Committee on Ways and Means.

Senator Rainie:

"Mr. President, my understanding is that this amendment increased the share of the take from  $6\frac{1}{2}\%$  to  $7\%$  and the net increase will be  $\frac{1}{2}$  of  $1\%$ . In other words, it will net the State an additional  $\frac{1}{4}$  of  $1\%$ ."

Senator Adams:

"Mr. President, I think the Senator has stated it correctly. The amendment increased the State's share  $\frac{1}{2}\%$ . As amended by the committee, it increases the State's share a full  $1\%$ . If this bill as amended by the committee will be  $7\%$  for the operators and  $7\%$  for the State. A  $\frac{1}{2}$  of  $1\%$ , will, as usual, go to the agricultural fund."

Question being on the adoption of the amendment.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Senator Packard demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Rogers, Cleveland, DeLude, Anderson, Rhodes, Paquette, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Bennett, English, Holmes, Rainie, Packard and Merrill.

Seventeen Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Question being, Shall the bill be ordered to a third reading?

The President recognized Senator Rainie:

"Mr. President, I am opposed to this bill as I am opposed

to all bills that extend the reliance of the State of New Hampshire on gambling. I realize that the cards are stacked against anybody in my position, so I am not going to bother the Senate with too long a story. It seems to me that after a good many years of experience that all this gambling business is a sucker game. It takes the money away from most of those who can't afford it. The greater catastrophe is that more and more the State is putting its reliance on something that is basically wrong. It has no foundation. It may change with time. We are not bearing the burden that are the responsibilities of the state. We are shunting it off on somebody else, and what is more, there is a gambling machine that raises a question to this legislature. The reliance on easy money and the machine that has been established — we find that this legislature is being lead around by the leaders of this gambling machine. This is a very unrealistic state of affairs. We are turning to the easy money and are shunting off our burden on such things as this. Eventually, it will catch up with the State of New Hampshire as it will with any individual who depends on this. I am opposed to this bill and to the passage of it."

Senator Adams:

"Mr. President, when Senator Rainie says that the cards are stacked against him, I recall our debate regarding milk. When I said something like that and the Senator took exception to my remarks. However, today I find myself in agreement with most of his remarks — not all of them — but most of them. However, I say to him and I say to you, I believe that we have got to be practical about these things. We have a duty to meet the needs of the University and some essential needs that have to be met. I believe that in this bill and in this bill alone, we have a chance to get the money to take care of these needs. I shall support the amendment and the bill as amended for these reasons."

Senator Rogers:

"Mr. President, I am going to vote against the bill."

Senator Holmes:

"Mr. President, I wish to record my opposition in its entirety. I am opposed to any extension of gambling on the basis of raising revenue. I do not think that horse racing is a sin. It is a very pleasant recreation and as long as it remains

a recreational sport, I have nothing against it. I expect to go to Rockingham racetrack this summer — if they will let me in. I am not going to make a long speech. I don't believe that anyone in this state is more interested in education and aid to education than I am. I will vote no on this bill."

Senator Paquette spoke in favor of the passage of the bill and the amendment.

Senator Cleveland:

"Mr. President, this tax places the increase on facilities already in existence. It makes harness racing feasible at the same installation. It is a matter of argument as to whether this is a major extension of the state's reliance on gambling as a source of income. We are reaching a point whether the state will have to face up to its responsibilities, or seek revenue from other sources."

Senator Caron moved the previous question. Seconded by Senator Lamontagne.

Question being: Shall the bill be ordered to a third reading?

On this question, Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Cleveland, DeLude, Rhodes, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Bennett, Rogers, Anderson, English, Holmes, Rainie and Merrill.

Sixteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Adams, the Senate refused to reconsider its vote whereby it ordered the above entitled bill to a third reading.

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third and final passage at the present time.

### Third Reading of Bill

The following entitled bill was read a third time, and passed:

HB 50, An Act relating to pari-mutuel pools.

### Resolution

Senator Rogers offered the following resolution:

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following question of law: Do the provisions of Senate Bill No. 129, An Act relative to the federal aid highway act of 1956, violate the Constitution insofar as the cost of the relocation of facilities of any publicly, privately, or cooperatively owned utility within the limits of the highway to be relocated because of the construction or improvement shall be a part of the cost of construction or reconstruction?

Senator DeLude requested a short recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

SB 158, An Act relative to keeping of records by registers of probate. Report of the Committee on Ways and Means (Senator DeLude): With the recommendation that it be referred to the Judicial Council with the request that they report their recommendations, if any, to the Senate within three weeks.

The report was accepted and the recommendation of the committee adopted.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 123, An Act prohibiting the trapping of beaver in Coos County for a limited time.

SB 155, An Act to establish a new apportionment for the assessment of public taxes.

HB 117, An Act to create a board of examiners of psychologists and to certify psychologists.

HB 254, An Act relative to transportation of so-called Christmas trees.

HB 284, An Act relative to the open season for taking fur-bearing animals.

HB 400, An Act relative to establishment of a board of institutions, corrections and hospitals.

### **House Message**

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 50, An Act relating to pari-mutuel pools.

### **Announcement**

The President announced that he was in receipt of a letter relative of fluoridation from a citizen of the town of Marlborough and he was turning same over to the Committee on Public Health, Welfare and State Institutions for their consideration.

On motion of Senator Provost, the Senate adjourned at 2:40 o'clock to meet next Tuesday morning at 11:00 o'clock.

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TUESDAY, MAY 14, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate the following guests:

Mrs. Mildred K. Perkins of Concord, the State President of the Republican Women's Federated Club, who was the guest of Senator Horner.

Mrs. Dorothy Guider of Bethlehem and Mrs. Winifred Couser of Lebanon, the County Chairwomen of Grafton County, who were the guests of Senator Horner.

Also, Mrs. Frances Avery, Mrs. Evelyn Benton, Mrs. Irma Sullivan, Mrs. Nellie Adams, Mrs. Phyliss Holbrook, all from Thornton, who were the guests of Senator Horner.

Also, Mrs. Carl Koford, Mrs. Philip Willey, and Miss Florence Dole, all of Campton, who were the guests of Senator Horner.

In the gallery, the Republican ladies of Grafton and Coos Counties, who were visiting the Senate as a part of the "Legislative Day" for those Counties.

### **Introduction, First and Second Reading of Senate Bills**

SB 167, An Act relative to dogs pursuing or maiming deer.

Introduced by Senator Rogers.

Referred to the Committee on Fisheries and Game.

SB 168, An Act relative to the sale of dangerous weapons.

Introduced by the Committee on Rules.

Referred to the Committee on Ways and Means.

### **House Message**

The House of Representatives has passed the following bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 339, An Act relative to the government of the city of Concord.

HB 377, An Act relative to investigation of subversive activities.

HJR 53, Joint Resolution in favor of Warren A. Cole.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 1, An Act providing for refund of motor vehicle road toll for retail dealers.

SB 124, An Act relating to bridges on the secondary system of highways.

SB 125, An Act relating to bridges on the class V system of highways.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on the following captioned joint resolution:

HJR 19, Joint Resolution in favor of Florence Smith.

The Committee on Conference, to whom was referred House Joint Resolution No. 19, Joint Resolution in favor of Florence Smith, having considered the same reported the same with the following recommendation:

That the House recede from its position of non-concurrence and concur with the Senate in the adoption of its amendment.

SUZANNE LOIZEAUX,  
RUSSELL G. CLAFLIN,  
JOHN F. KELLEY,

*Conferees on the Part of the House.*

ROBERT ENGLISH,  
DEAN B. MERRILL,

*Conferees on the Part of the Senate.*

### **Introduction, First and Second Reading of House Bills and Joint Resolution**

HB 339 to the Committee on Ways and Means.

HB 377 to the Committee on Judiciary.

HJR 53 to the Committee on Claims.

On motion of Senator Rainie, the order whereby HB 339, An Act relative to the government of the city of Concord, was referred to the Committee on Ways and Means was vacated.

On further motion of the same Senator, the rules of the Senate were so far suspended as to commit the above entitled bill to a Special Committee composed of Senators Cleveland, Anderson and Rainie. Senator Rainie spoke as follows: "In view of the fact that these Senators represent the entire city of Concord, which is the only part of the State affected by this legislation, it seems reasonable that the problem should be left in their hands."

The President recognized Senator Caron:

"Mr. President, I move that the rules of the Senate be so far suspended as to permit the introduction of a bill at this time."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.



**Introduction, First and Second Reading of Senate Bill**

SB 169, An Act relative to strikes and arbitration in public employment.

Introduction by Senator Caron.

Referred to the Committee on Labor.

**Notice of Reconsideration**

The President recognized Senator Humphreys who stated that he wish to serve notice that at some future time, he might ask reconsideration of HB 254, An Act relative to transportation of so-called Christmas trees.

**Committee Reports**

SB 68, An Act establishing an agreement on detainers. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass with amendment.

The report was accepted.

Amend said bill by adding after section 7 thereof the following new section 8:

8. Amend RSA by adding after chapter 606-A the following new chapter: 606-B. *Limitation on Detainers*.  
1. *Lodging of Detainers*. No detainer based upon an untried indictment, information or complaint lodged by law enforcement authorities in this or another state, whether such state is a party to the agreement herein authorized or not, against a prisoner confined here, shall be effective for any purpose whatsoever, nor shall the same be given consideration in any respect whatsoever, unless such detainer shall have been originally lodged or renewed within six months of the time when action is sought to be taken or consideration given. No official having a prisoner in his custody shall hold such prisoner upon such a detainer unless the same shall have been so lodged or renewed within such period. Each such detainer, upon being originally lodged and upon each renewal thereof, shall be accompanied by a brief statement of the facts alleged as giving rise to such indictment, information or complaint; and such detainer not so accompanied shall be ineffective for any purpose.

Further amend said bill by renumbering section 8 to read section 9.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

The President recognized Senator Cleveland:

"Mr. President, I will speak on the amendment and on the bill. This was an interstate compact bill on detainers. There is not too much law on detainers, but they are used all the time. It works something like this — if a man is picked up in New Hampshire and put in jail and someone wants to hold that person, as a matter of courtesy the authorities in this State will hold that person. The interstate compact bill on detainers seeks to systematize the procedure of states that adopt this compact. The amendment is at the end of the bill. That amendment simply says that the detainer loses its force and effect if not renewed every six months. After the first renewal, there must be a brief statement of fact stating why they want to hold this person and what the case is. We thought that was important. For example, if someone is picked up in Concord for passing a bad check — almost immediately police authorities in many places put a detainer on this person before they release him, in case he might have been the person passing bad checks in their area. They may not know if this is the guilty person or not, but the detainer will give them time to investigate further. It merely says that to keep that detainer in effect, you must renew it every six months and after the first time, you must state why you want the detainer."

The President recognized Senator Rainie:

"Mr. President, I haven't had this bill brought to my attention before. This is one of those acts that are uniform acts. It seems to me that this is unreasonable — to renew those objections every six months in order to retain them. I don't believe that they should be asked to do that as often as that. It gives the law breaker a pretty soft break."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 90, An Act relative to detainers within the state. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill attempts to clarify the rules and regulations in connection with detainers entirely within the State. The previous bill passed was for detainers without the State."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Special Order of Business for 11:01**

Senator Rogers called for the Special Order of Business for 11:01 o'clock.

Question being on the adoption of the resolution offered by him, relative to condemning vicious language by the press.

Senator Cleveland offered the following resolution:

*Resolved*, that the above mentioned resolution be referred to the Attorney General's office for a ruling as to whether the resolution constitutes censorship or abridgement of freedom of the press,

Senator Packard moved that the whole thing be indefinitely postponed.

The Chair ruled that the above motion by Senator Packard was out of order.

Senator Lamontagne moved that the resolution be laid upon the table.

The Chair stated that the above motion was not debatable.

On the above motion, Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Rogers, Cleveland, DeLude, Anderson, English, Holmes and Rainie.

Sixteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the resolution was laid upon the table.

Question being on the adoption of the motion of Senator Cleveland.

Senator Caron moved that the resolution offered by Senator Cleveland be laid upon the table.

On a *viva voce* vote, the affirmative, and the resolution was laid upon the table.

### **Special Order of Business for 11:02**

Senator Rainie called for the Special Order of Business for 11:02 o'clock.

Question being on the adoption of the committee report, ought to pass, relative to SB 132, An Act to authorize the state of New Hampshire to enter into a compact with the states of Maine and Vermont to establish a tri-state regional medical needs board.

The President recognized Senator Rainie:

"Mr. President, this bill is calculated to bring relief with reference to medical service to the rural areas of Maine and Vermont. The problem is somewhat similar in all three states. This compact provides for the staffing of a group of offices for each medical society and other men skilled in medicine and medical knowledge. There is no appropriation. It does not distribute money, but it does do everything within its power to induce doctors to establish themselves in rural areas in order that there may be better services there. There is no expense to the State involved and no thought of distributing money at the present time, but it is possible that pressure may be brought to bear so they may be of service to the rural area."

(Senator DeLude in the Chair)

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Bill Recalled from the Governor**

On motion of Senator Rhodes, the Senate voted to request His Excellency, the Governor, to return to the Senate for further consideration.

HB 284, An Act relative to open season for taking fur-bearing animals.

On motion of the same Senator, the rules were suspended to allow reconsideration of the vote on the above entitled bill.

On motion of the same Senator, the Senate voted to reconsider its vote whereby it passed the above entitled bill.

On motion of the same Senator, the Senate voted to consider its vote whereby the above entitled bill was ordered to a third reading.

On motion of the same Senator, the bill was recommitted to the Committee on Fisheries and Game.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 68, An Act establishing an agreement on detainers.

SB 90, An Act relative to detainers within the State.

SB 132, An Act to authorize the state of New Hampshire to enter into a compact with the states of Maine and Vermont to establish a tri-state regional medical needs board.

On motion of Senator Humphreys, the Senate adjourned at 11:58 o'clock.

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WEDNESDAY, MAY 15, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator Hodgdon, his wife, Mrs. Hodgdon.

As the guest of Senator Merrill, his wife, Mrs. Merrill.

The President welcomed to the gallery of the Senate the members of the class in Government from St. Anselm's College in Manchester with their instructors, Reverend Daniel DeNaw and Reverend Maurus Pollard.

### **Introduction, First and Second Reading of Senate Bills**

SB 170, An Act relative to dog registration tags.

Introduced by the Committee on Rules.

Referred to the Committee on Fisheries and Game.

SB 171, An Act relative to rights of surviving husband and wife.

Introduced by Senator Humphreys.

Referred to the Committee on Judiciary.

SB 172, An Act to limit the length and horsepower of passenger motor vehicles.

Introduced by Senator Humphreys.

Referred to the Committee on Transportation.

SB 173, An Act relative to mutual savings banks.

Introduced by the Committee on Rules.

Referred to the Committee on Banks and Insurance.

### House Message

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 283, An Act relative to carrying certain passengers in trucks.

HB 373, An Act to provide for a farm registration for motor trucks and semi-trailers when used exclusively for farm purposes.

HB 401, An Act relative to vicious dogs.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 94, An Act relative to the Wolfeboro Village Fire Precinct.

Amend section 4 of said bill by striking out the first two lines and inserting in place thereof the following:

4. *Referendum.* This act shall not take effect until a referendum has been had as herein

Further amend said bill by inserting after section 4 the following new section:

5. *Takes Effect.* For the purpose of the referendum provided in section 4 this act shall take effect upon its passage. The remaining provisions of this act shall be effective as hereinbefore provided if the act is adopted.

On motion of Senator Hodgdon, the Senate voted to concur in the adoption of the amendments to the above entitled bill offered by the Committee on Engrossed Bills.

SB 38, An Act relating to probate courts.

Amend section 3 of said bill by striking out the first four lines and inserting in place thereof the following:

3. *Appropriation.* There is hereby appropriated the sum of twenty-five hundred dollars for the fiscal year ending June 30, 1958, and the sum of twenty-five hundred dollars for the fiscal year ending June 30, 1959, which appropriation shall not lapse and which shall be expended under the direction of the administrative committee of the probate courts. The sums hereby

On motion of Senator Cleveland, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

SB 78, An Act relative to salaries of court stenographers.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Court Stenographers.* Amend RSA 519:26 (supp) as amended by 1955, 271:1 and by an act passed at this session of the general court relative to employment of an extra court stenographer, by striking out the words "four thousand five hundred" and inserting in place thereof the words, five thousand.

Question being on concurrence in the adoption of the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

The President recognized Senator Rainie:

"Mr. President, in view of the uncertainty in regard to this matter, I move that it be made a Special Order of Business for Thursday, May 16, at 11:02 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill and asks for a Committee of Conference:

HB 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Chandler of Bartlett, Monahan of Hanover and McGee of Lincoln.

On motion of Senator Horner, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Horner and Hodgdon.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 254, An Act relative to transportation of so-called Christmas trees.

#### **Introduction, First and Second Reading of House Bills**

HB 283 to the Committee on Transportation.

HB 373 to the Committee on Transportation.

HB 401 to the Committee on Ways and Means.

#### **Committee Reports**

HB 192, An Act relating to fraudulent checks issued in payment for services. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

“Mr. President, this bill which has been passed by the House is simply to include in the crime of larceny by check, the situation where the check is in payment of services or labor. There is some doubt as to whether this is covered by the law under the present statute. I am not sure whether this is covered by the law or not. Apparently, the Judicial Council believed it was not covered by the law at present and they requested the introduction of this bill.”

The President recognized Senator Packard:

“Mr. President, as you will recall, I was the one who made



the motion to have this bill recommitted to the Committee on Judiciary. I have since conferred with the Judicial Council and after discussing it with them, the bill is perfectly all right and I believe in perfect order to pass."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 155, An Act authorizing special number plates for deputy sheriffs. Report of the Committee on Transportation (Senator Packard) : Ought to pass.

The report was accepted.

The President recognized Senator Packard:

"Mr. President, the title of this bill pretty much says just what the bill is. It provides for special number plates for deputy sheriffs. It includes only regular deputy sheriffs. There was quite a crowd at the hearing, and some opposition by two lady members of the House. The committee voted unanimously to pass this bill on the basis that it would be an aid to safety. Identification of their vehicles was felt would be of importance to the general public. The regular registration must be paid and then the extra fee for the special plates."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 105, An Act relating to motor vehicles carrying property for hire. Report of the Committee on Transportation: (Senator Packard) : Inexpedient to legislate.

The report was accepted.

The President recognized Senator Packard:

"Mr. President, this is a bill that was introduced here in the Senate. At the hearing, there was about 60 or 70 truck owners who appeared in opposition to this bill along with their executive secretary. The only proponent was the sponsor himself. It pertains to intrastate legislation of the trucking industry. The consensus was that there was no need or public demand for this type of legislation. There isn't too much I can say over and above that, but the general tenor was as stated above. It was felt that it would be of tremendous cost to the PUC (possibly about \$100,000) to regulate this. The PUC did not appear either in favor or against it. It could run into some complications, such as rate, hearings, etc. Most of this matter is covered by interstate legislation. The testimony was over-

whelmingly against the bill, and the committee voted unanimously that it was inexpedient to legislate."

The President recognized Senator Cleveland:

"Mr. President, I would like to have my remarks recorded, and I also wish to be recorded as voting against the committee report. I will not, however, make any serious attempt to change the committee report. Because, as Senator Packard has said, there appears to be no widespread public demand for this legislation. New Hampshire is the only state in New England that does not regulate the trucking industry. New Hampshire regulates other industries that, in my opinion at least, are in considerable less need of regulation, because the trucking industry is now one of the largest and one of the most important industries in the state. Trucks carry considerably more in the way of freight and goods than do the railroads, and yet the railroads are regulated to the extent of making one wonder if they can survive the regulating. And the bus business, which is literally on its hands and knees, is also regulated by legislation by the state. It seems to me that the trucking industry should be regulated if for no other reason that they are playing such an important part in the economy of our state. A large part of the expense of building new roads, where special bridges have to be constructed to carry the trucks, is falling upon the members of the travelling public and there is nobody in the state directly responsible for regulating this industry. It is true, as the Senator has pointed out, that the interstate commerce commission, a federal agency, does regulate trucks and I believe that the federal agency regulates as far as rates are concerned. But I do not believe that the interstate commerce commission fully protects the public from the trucking industry in the state of New Hampshire. In conclusion, I would simply say that apparently there is no widespread demand for this legislation at this time and I believe that is because the public is not fully informed on all phases of the problem. But, at the present time, it is clear that although it had been recommended by the PUC in the past, it would be opposed to it at this time."

Senator Lamontagne:

"Mr. President, I would like to explain why this type of legislation is not necessary in the state of New Hampshire at the present time. Now, like in Massachusetts where there are

so many cities with more small towns nearby, and therefore, they have a lot of truckers who do a lot of transporting from these small towns to the cities. In this state, Manchester would be the only big city, but if there was truck transportation between Manchester and another city, say Dover, you could not have too many of these truckers to transport. In Berlin, of course, the biggest trucking industry up there is hauling pulpwood. If they turned around and went into this type of regulation, it would only mean that the small fellows would not have the chance to go ahead and carry out their work. In Berlin, we have some people who work in the mills and have a large family, and they do trucking as a side line. This would put them out of business and they would only be able to work at one job, the one in the mill. As I have said before, in New Hampshire, at the present time, there is no need for this type of legislation. Certainly, the little fellow has a better chance of operating."

Senator DeLude:

"Mr. President, I rise in support of the committee report and in opposition to the remarks of Senator Cleveland. He has said there is no evil in the regulation of railroads and buses. By passing another regulation would be regulation upon regulation. This was brought out in the committee. New Hampshire is primarily an importing state. The testimony was that 90% of the material that we use here in this state is first brought in and then sent out. This also includes agricultural importing and exporting. It would seem to me that when we have only 10% in intrastate cases and 90% interstate cases, it would be ill advised to set up another agency. I would like to point out those things in this state that are regulated by commissions are primarily all interstate, telephone, electricity, etc., and are used inside the state. It has been clearly pointed out that most of our services are already regulated by interstate commerce commission regulation."

Question being on the adoption of the report of the committee, inexpedient to legislate.

On a *viva voce* vote the affirmative prevailed, the report of the committee was adopted.

### **Reports of Committees of Conference**

The Committee of Conference, to whom was referred

HB 221, An Act relative to the Laconia Home for the Aged, having considered the same reported the same with the following recommendation:

That the House recede from its position of non-concurrence in the Senate amendment, that the Senate recede from its position in adopting its amendment, and that the bill ought to pass.

PETER S. KARAGIANIS,  
STEWART LAMPREY,  
ROBERT L. GALLOWAY,

*Conferees on the Part of the House.*

HERBERT W. RAINIE,  
JAMES P. ROGERS,

*Conferees on the Part of the Senate.*

On motion of Senator Rainie, the Senate voted to accept the report of the Committee of Conference on the above entitled bill.

The Committee of Conference, to whom was referred Senate Joint Resolution No. 2, Joint Resolution in favor of Eleanor Marquis, having considered the same, reported the same with the following recommendation:

That the Senate recede from its position of non-concurrence and concur with the House in the adoption of its amendment.

ROBERT ENGLISH,  
LAURIER LAMONTAGNE,

*Conferees on the Part of the Senate.*

L. WALDO BIGELOW, JR.,  
FRANK C. SABLUSKI,  
HAROLD W. HASKINS,

*Conferees on the Part of the House.*

On a *viva voce* vote, the Senate voted to accept the report of the Committee of Conference on the above captioned joint resolution.

The Committee of Conference, to whom was referred Senate Bill No. 54, An Act relative to dogs at large, having considered the same, reported the same with the following recommendation:

That the Senate recede from its position of non-concurrence in the House amendment, that the House recede from its position in the adoption of its amendment, and that the House concur with the Senate in the passage of the bill.

EDWARD J. BENNETT,  
E. EVERETT RHODES,  
*Conferees on the Part of the Senate.*

KENNETH M. BISBEE,  
FAYNE E. ANDERSON,  
J. HECTOR DESJARDINS,  
*Conferees on the Part of the House.*

On motion of Senator Rhodes, the Senate voted to accept the report of the Committee of Conference on the above entitled bill.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate and House bills and captioned joint resolution:

SB 79, An Act relative to employment of an extra court stenographer.

SB 85, An Act providing for the classification of Beaver Brook Watershed.

SB 96, An Act correcting certain errors in the statute relative to municipal budget law.

SB 112, An Act legalizing action taken at the town meeting held in the town of Derry in March, 1957.

SB 119, An Act relative to exclusion of certain public utilities from filing provisions.

SB 124, An Act relating to bridges on the secondary system of highways.

SB 125, An Act relating to bridges on the class V system of highways.

SB 130, An Act relative to right of way for highway purposes through hospital land.

SB 138, An Act legalizing a special meeting of Sullivan school district held January 24, 1957.

HB 50, An Act relating to pari mutuel pools.

HB 161, An Act relating to fees of sheriffs and deputy sheriffs.

HB 213, An Act relating to age of committal to the state industrial school.

HB 228, An Act relative to the salaries of the justice and special justice of Hampton municipal court.

HB 350, An Act relative to borrowing capacity for co-operative school districts.

HB 370, An Act relative to the designation of a class I highway in Walpole.

HB 375, An Act adopting an interpleader compact.

HJR 19, Joint Resolution in favor of Florence Smith.

HB 117, An Act to create a board of examiners of psychologists and to certify psychologists.

SB 1, An Act providing for refund of motor vehicle road toll for retail dealers.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

On motion of Senator Holmes, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

HB 155, An Act authorizing special number plates for deputy sheriffs.

HB 192, An Act relating to fraudulent checks issued in payment for services.

The President recognized Senator Cleveland:

“Mr. President, I think the time has come when the President should appoint a Special Committee relative to the Senate attending the opening of the joint session of the House and Senate every morning. I can find nothing in the rules that compels it. I think the President should appoint a committee, a good representative committee, to look into the procedure to see if something might be worked out as a better way of handling it. They might check on the advisability, feasibility, etc., of meeting with the House every morning. Perhaps once a week, etc. I make this motion.”

Motion was seconded by Senator Adams.

Senator Rainie:

"Mr. President, I want to express my opinion. I am not in favor of it — this is just a waste of time. It is a custom that has been in effect for a good many years. I believe it will reduce the Senate to a lower state than it is now."

Question being on the motion offered by Senator Cleveland.

On a *viva voce* vote, the negative prevailed.

Senator Adams requested a division vote on the above question.

Eight Senators having voted in the affirmative, and nine Senators having voted in the negative, the negative prevailed, and the motion was lost.

On motion of Senator Provost, the Senate adjourned at 12:58 o'clock.

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THURSDAY, MAY 16, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator English requested leave of absence for the day, on account of illness. This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed to the floor of the Senate the following guests:

As the guest of Senator Hodgdon, former Senator from the 4th District Fred Washburn of Bartlett.

As the guest of Senator Horner, former Representative Mrs. Maude Rix of Dummer.

### **Introduction, First and Second Reading of Senate Bills**

SB 174, An Act relative to use of funds held by the trustees of the Boscawen Academy in Boscawen.

Introduced by the Committee on Rules.

Referred to the Committee on Ways and Means.

SB 175, An Act providing for use of state armories by the civil air patrol.

Introduced by the Committee on Rules.

Referred to the Committee on Military and Veterans' Affairs.

SB 176, An Act relative to examination of banks by bank commissioner.

Introduced by the Committee on Rules.

Referred to the Committee on Banks and Insurance.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 431, An Act legalizing a meeting of the Hillsborough county convention held March 25, 1957.

### **Introduction, First and Second Reading of House Bill**

The above entitled bill, sent up from the House of Representatives, was read a first and second time.

On motion of Senator Provost, the rules of the Senate were so far suspended as to dispense with reference to committee, and the bill was placed on its third reading and final passage at the present time.

### **Third Reading of Bill**

The following entitled bill was read a third time and passed:

HB 431, An Act legalizing a meeting of the Hillsborough county convention held March 25, 1957.

### **House Message (continued)**

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

SB 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense.

Amend section 1 of the bill by striking out in the seventh line the words, "when engaged in training for civil defense and," so that said section as amended shall read as follows:

1. *Student Nurses Immunity.* Amend paragraph (d) of RSA 107:12 by inserting after the words "registered in this



state" in the first line the words, or student nurses undergoing training at a licensed hospital in this state, so that said paragraph as amended shall read as follows: (d) Dentists licensed in this state and nurses registered in this state or student nurses undergoing training at a licensed hospital in this state during any civil defense emergency shall be regarded as authorized civil defense workers and while so engaged may practice, in addition to the authority granted them by other statutes, administration of anesthetics; minor surgery, intravenous, subcutaneous and intramuscular procedures; and oral and topical medication under the general but not necessarily direct supervision of a member of the medical staff of a legally incorporated and licensed hospital in this state, and to assist such staff members in other medical and surgical procedures.

The President recognized Senator Merrill:

"Mr. President, this apparently corrects a technicality in the wording because the student nurses are the only ones involved. I move that the Senate concur in the adoption of the amendment to SB 58 sent up from the House of Representatives."

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

### Committee Reports

HB 413, An Act legalizing the school district meeting held in Hudson on March 16, 1957.

Report of the Committee on Education (Senator Merrill) : Ought to pass:

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, this bill is a technical matter legalizing a school district meeting because there was a bond issue approved in the meeting. There was no opposition. It was recommended by the bond counselors that this be legalized."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 160, An Act relating to judgments rendered in Canadian courts.

Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill is an interesting experiment in international rights. Apparently, under the present law, if we get a judgment against a Canadian traveler here in New Hampshire, there is difficulty in Canadian courts. On the other hand, if New Hampshire travelers get a judgment in Canada, we honor them. This bill was introduced by Senator Karkavelas. What this bill does is to simply state that New Hampshire courts will recognize only those who recognize our judgment."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 45, An Act relative to appearance of police officers in civil or criminal proceedings.

Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend the title of said bill by adding at the end thereof the words, and payment of fines, so that said title as amended shall read as follows:

An Act relative to appearance of police officers in civil or criminal proceedings and payment of fines.

Further amend said bill by inserting after section 1 the following new section:

2. *Payment of Fines.* Amend RSA 618 by adding after section 3 the following new section:

618:3-a. *Payment of Fines.* All fines except parking fines or except as otherwise specifically provided by law shall be paid to the clerk of the court imposing the fine.

Further amend said bill by renumbering section 2 to read 3.

The report was accepted.

Question being on the adoption of the amendment offered by the Committee on Judiciary.

The President recognized Senator Packard, who requested a one minute recess. This request was granted by the Chair.

(Recess)

The Senate re-assembled.

On motion of Senator Packard, the Senate voted to lay the above entitled bill with accompanying report on the table and made a Special Order of Business for next Wednesday morning, May 22, at 11:01 o'clock.

SB 149, An Act relative to the appropriation of money at town meetings.

Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, the situation that this bill affects is like this. If an article appears in a warrant setting forth that there will be considered at the town meeting a provision to appropriate a specific sum of money for any particular purposes. There is a difference of opinion among the town officials and the attorney general's office, as to whether or not that amount may be varied in the town meeting. Does it mean that that amount and no other amount can be raised by the town meeting. This bill attempts to clear up that uncertainty. It would seem to be unfair and improper that a few men should decide the exact amount of money that is to be raised if the majority of the town feels otherwise. This is an attempt to clear up this situation so that it may be possible for a town to change a specific amount of money as it appears in the warrant."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 123, An Act relative to the computation of tax on legacies and successions, where property is held jointly.

Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill has to do almost entirely with the case where property is held jointly, and the survivor takes over the entire interest in the property. It is the duty of the department of inheritance tax to determine just what interest the deceased may have had in that property so as to compute the inheritance tax. That would mean that the inheritance tax department would then have the right to tax the entire amount

that it was found that the deceased person had in this joint account. This relieves this situation to this extent — it allows a deduction of expenses for the last illness and for funeral and burial, etc., and it would save some money to the survivor by allowing the surviving tenant to a tax exemption. This bill is of a minor nature. There was no objection and the bill seemed satisfactory to all.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o’clock.

HB 418, An Act legalizing certain action taken by the town of Bristol and the Bristol village fire precinct.

Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

“Mr. President, this is a rather unusual situation. The bill was passed authorizing this — passed by the House and Senate — but the meeting was held before the Governor signed the bill. So it has become necessary to legalize the meeting. That is the purpose of this bill.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o’clock.

### Special Order of Business for 11:01

Senator Cleveland called for the Special Order.

Being consideration of the reports of the Committee on Judiciary to SB 156, An Act providing that the salaries of elected county officials be fixed by the county conventions.

Majority of the committee — Inexpedient to legislate.

Minority of the committee — Ought to pass.

The President recognized Senator Cleveland:

“Mr. President, I will confine this matter simply to making a few remarks for the record on the bill. I would like the record to show that I think this is a good bill and I think the principle behind the bill is sound. The purpose of this bill is to reduce the large number of bills that consume the time of the Senate having to do with the salaries of elected county officials. When we get these bills, we usually go along with the county delegation or county convention, and I do not think it

is the Senate's job to set those salaries. I do not know how many bills there are, but I would guess at least fifty of them. I think it is an unnecessary expense to bring in these bills and hold public hearings on them. I think these salaries should be set in the county and by the county officials:"

The President recognized Senator Bennett:

"Mr. President, as co-sponsor of this legislation I will make the necessary motion that the words ought to pass be substituted for the words inexpedient to legislate."

The President recognized Senator Lamontagne:

"Mr. President, I am opposed to the motion to substitute, and in support of the report of the majority of the committee. I would like to point out, if we pass this bill, we are just turning around and giving up the power that we have by virtue of being sent down here by the people of our districts. Certainly, our people in our districts have enough confidence in what we may do here. If this is brought up here before the Senate, it still has a chance to go back into the House for consideration by the county delegation. So if we do this, we are just giving up the powers that we have at the present time. In the 1st and 2nd Districts, as you probably know, we have more of one Party than we have of the other and it might be controlled there."

Senator Rainie:

"Mr. President, if I understand it correctly, your objection is based on the fact that it takes away all the power from the Senate. You wish to retain your power to control as far as possible."

Senator Packard:

"Mr. President, I am very happy to see that Senator Lamontagne and I agree this time, although he disagreed with me when the same question came up on the bill pertaining to Manchester. I would like to point out the fact I believe until you change the whole matter of authority, you cannot pass this bill as I believe it is unconstitutional."

Senator Karkavelas:

"Mr. President, I concur with the thoughts as given by Senators Lamontagne and Packard. I wish to make the motion to indefinitely postpone this bill."

Senator Rainie:

“Mr. President, I have no determined ideas here. I find myself in an unusual position — I am opposed to all. I don’t believe that this matter should be decided upon just upon the matter of whatever little power we may have. It seems to me it has to be decided upon on a more comprehensive basis. I believe that this is a matter best handled by the county delegation. They have a proper outlook. In fact, they have the only sensible outlook. I believe it is a narrow view to say that we want to retain this power. They are in a position to decide what is best for that county, far better than we are. I am in support of the motion.”

Senator Humphreys:

“Mr. President, I do not want to argue very vigorously on this question. I just want to point out that the people in the County that this bill would affect are generally the most powerful people in the county. My observation has been, in some cases at least, that these officials have more influence over the county delegation in the House. The county delegation is practically the same as the county convention. There are a few differences, but generally they are the same persons that are considering it. At the present time, all it does is to give an additional check.”

Senator Cleveland:

“Well, Mr. President, I would like to point out that there is a difference between the county convention and the county delegation. In county convention, each town is entitled to representation — this is not necessarily true in county delegation as some towns would not be entitled. In county convention, it would be a broader base.”

Question being on the motion of Senator Karkavelas that further consideration of this bill be indefinitely postponed. On this motion, Senator Rainie requested a division.

Sixteen Senators having voted in the affirmative, and four Senators having voted in the negative, the affirmative prevailed, and the motion carried.

### **Special Order of Business for 11:02**

Senator Rainie called for the Special Order.

Question being on the concurrence of the Senate in adop-

tion of the amendment adopted by the House of Representatives offered by the Committee on Engrossed Bills to SB 78, An Act relative to salaries of court stenographers.

The President recognized Senator Rainie:

“Mr. President, there is nothing the matter with the bill and there is no reason why we should not concur. The cutting off of the four lines left the amendment reading 5,000 and on the next line it read 500.

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendment.

On motion of Senator Caron, the Senate went into afternoon session, and when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### **Afternoon Session Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 149, An Act relative to the appropriation of money at town meetings.

SB 160, An Act relating to judgments rendered in Canadian courts.

HB 123, An Act relative to the computation of tax on legacies and successions, where property is held jointly.

HB 413, An Act legalizing the school district meeting held in Hudson March 16, 1957.

HB 418, An Act legalizing certain action taken by the town of Bristol and the Bristol village fire precinct.

On motion of Senator Daniel, the Senate adjourned at 12:32 o'clock.

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TUESDAY, MAY 21, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator English requested leave of absence for the day on account of illness. This request was granted by the Chair.

### House Message

The House of Representatives has passed the following bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 360, An Act relative to appropriations for capital improvements or the issuance of bonds in the city of Laconia.

HB 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of said projects.

HJR 52, Joint Resolution in favor of Willard M. Cady.

HJR 54, Joint Resolution in favor of Roland E. Jenkins.

HJR 55, Joint Resolution in favor of Harvey V. Harrison.

The message further stated that the House of Representatives has voted to adopt the reports of the Committee of Conference on the following bills and joint resolution, sent down from the Honorable Senate:

SJR 2, Joint Resolution in favor of Eleanor Marquis.

SB 54, An Act relative to dogs at large.

HB 221, An Act relative to the Laconia Home for the Aged.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 192, An Act relating to fraudulent checks issued in payment for services.

### Introduction, First and Second Reading of House Bills and House Joint Resolutions

The above bills and joint resolutions, passed by the House of Representatives, were introduced, read a first and second time, and referred as follows:

HB 360 to the Committee on Ways and Means.

HB 415 to the Committee on Ways and Means.

HJR 52 to the Committee on Claims.

HJR 54 to the Committee on Claims.

HJR 55 to the Committee on Claims.



### Committee Reports

HB 412, An Act relative to the police department of the town of Exeter. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

On motion of Senator Lamontagne, the Senate voted that the above entitled bill with the accompanying report be laid upon the table and made a Special Order of Business for Thursday morning, May 23, at 11:01 o'clock.

HB 119, An Act prohibiting certain lights along a highway. Report of the Committee on Public Works (Senator Rogers): Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, the purpose of this bill is to permit the Highway Department to prevent the installation of lights which will blind the drivers of automobiles on the highway. The bill, as it was passed in the House, refers to the placing of lights, and although our committee considered lights already installed, it was felt that there might be a question of taking property without due caution to pass it as provided. The bill provides that the requirements shall be enforced by the Department of Public Works and Highways."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 237, An Act extending road in Warner. Report of the Committee on Public Works (Senator Rogers): Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, this act refers to a section of road in the State Park leading to the top of Mount Kearsarge in the town of Warner. The length of the road is 1.9 miles and it is one of the roads that was found by the Department of Public Works and Highways as being predominantly used by traffic from outside the town and this bill will make this road a class III recreational road, subject to maintenance by the Department of Public Works and Highways."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 318, An Act relative to establishing a road through Wadleigh state park in Sutton as a recreational road. Report of the Committee on Public Works (Senator Rogers): Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, this bill is an amendment to the same provisions in the law which provides for certain roads as recreational roads. This bill covers a piece of road .3 of a mile in the town of Sutton within the boundaries of Wadleigh state park. The use of this road was found to be predominantly traffic from outside the town. The Highway Department has scheduled no funds for improvements, but will maintain and improve it when needed."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 284, An Act relative to the open season for taking fur-bearing animals. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Fur Bearing Animals; Open Season.* Amend RSA 210:1 (supp) as amended by 1955, 65:1 and 97:1 by striking out said section and inserting in place thereof the following: *Otter, Mink, etc.* Otter, mink, skunk, or muskrat may be taken and possessed from October twentieth to February first in Coos county. Otter, mink, skunk or muskrat may be taken and possessed from November first to February first in all the other counties of the state. In addition to the above open seasons otter may be taken and possessed at any time when and any place where the director has declared an open season as provided in section 5.

The report was accepted.

On motion of Senator Rhodes, the reading of the amendment was dispensed with.

The President recognized Senator Rhodes:

"Mr. President, this bill merely has to do with Coos County. It lengthens the season for trapping fur-bearing animals. The attorney general's office felt there might be some

confusion that it would prohibit trapping in the other nine counties of the state. That is the reason for the amendment."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 109, An Act relative to hearings before the personnel commission. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie :

"Mr. President, this bill has to do with procedure before the personnel commission in cases where witnesses are unwilling to testify. At the present time, the commission has no power to summon and yet they have the authority and the duty to make decisions. It is possible, and it has been found in the past to exist, that witnesses who have knowledge of the situation are reluctant to come before the commission or testify. This would allow the commission to have subpoena power and force them to appear. This would be of as much benefit to the employee as it would be to the heads of departments. Many times this will compel the presence of any witness whether it be for or against the employee to appear before the commission. It seemed clear to me and to the committee that in order to make the work of the personnel commission effective this bill ought to be enacted."

Senator Bennett inquired of Senator Rainie if there was anything in this bill that would force an employee or witness to testify.

Senator Rainie replied that there was no penalty for witnesses in refusing to answer, but that the employee must appear but they cannot penalize him if he will not testify.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Packard wished to be recorded as voting against the above entitled bill being ordered to a third reading. He stated he believed that the only body in this State that should have the power of subpoena is the attorney general's department, and for that reason he was voting against the bill being ordered to a third reading, but would not make an issue of it.

HB 330, An Act relative to balloting for town manager. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill provides that instead of ballot being a separate ballot as now provided by law, this would put the question on the warrant so that anybody who voted during the time that the polls were open could vote at that time instead of a particular time."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 121, An Act relating to municipal water works. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill was prepared by attorney Richard F. Upton as a labor of love. He was not working for anybody, but in the course of experience as a practising attorney he had found that there were some defects in the definition and recording of water systems in towns, so he prepared this bill which governs this. First, the debt limit as to water works has been in chapter 35 whereas all other material that deals with water works is in chapter 33. Many towns have assumed that there was no debt limit because the information was not where they expected it to appear. Second, it changes the basis from 10% of assessed valuation to 10% of equalized valuation. Third, the Governor, with the approval of the Tax Commission, may authorize a town to go over the 10% in case of disaster. It also clarifies the word indebtedness. Also, when the state Board of Health recommends improvements in water facilities for the sake of health, this will carry the town outside the debt limit. These are the important things in the bill — simply intends to clarify the law."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 131, An Act relating to building and loan associations. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendment.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect sixty days after passage.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this amendment merely changes the effective date. The bill enlarges the authority of building and loan associations. The association must be the holder of a first mortgage on the property. Bank commissioner in favor. No opposition.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 145, An Act relative to salary of Strafford County solicitor. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass with amendments.

Amend the title of the bill by striking out the same and inserting in place thereof the following: An Act relative to salaries of Strafford and Sullivan county solicitors.

Amend said bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *County Solicitors.* Amend RSA 7:35 (supp) as amended by 1955, 247:2 and 1957, 34:1 by striking out said section and inserting in place thereof the following: 7:35. *Salaries.* The annual salaries of the solicitors in the several counties shall be as follows:

In Rockingham, twenty-two hundred dollars.

In Strafford, twenty-five hundred dollars.

In Belknap, eighteen hundred dollars.

In Carroll, two thousand dollars.

In Merrimack, twenty-five hundred dollars.

In Hillsborough, thirty-three hundred dollars.

In Cheshire, two thousand dollars.

In Sullivan, two thousand dollars.

In Grafton, twenty-four hundred dollars.

In Coos, twenty-four hundred dollars.

2. *Takes Effect.* This act shall take effect January 1, 1958 as to Sullivan County; the remaining provisions shall take effect July 1, 1957.

On motion of Senator Rainie, the reading of the amendments was dispensed with.

The report was accepted.

The President recognized Senator Rainie:

“Mr. President, this is a list of salaries of County solicitors only two are changed. One County that we started with had to do with the salary of the solicitor of Strafford County as being \$2,000. He asked this to be increased to \$3,500, but the County delegation was satisfied with \$2,500. That was the figure that we finally arrived at. The final amendment of course is the change in the title of the bill to read: An Act relative to salaries of Strafford and Sullivan County solicitors. These are the only changes.”

On a *viva voce* vote, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 74, An Act relative to the date for an annual town meeting. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendment.

Amend SB 74 by striking out the whole thereof after the enacting clause and inserting in place thereof the following:

1. *Town Meetings.* Amend RSA 39:1 by striking out the word “Tuesday” in line 2 thereof and inserting in place thereof the word Saturday so that the same as amended shall read as follows:

39:1. *Meetings, When Held.* A meeting of every town shall be holden annually on the second Saturday of March for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor.

2. *Election of Delegates.* Amend RSA 57:1 by striking out the word “Tuesday” in the first line thereof and inserting in place thereof the word Saturday so that the same as amended shall read as follows:

57:1. *Primary.* On the second Saturday in March each year when a president of the United States is to be elected, a primary shall be held for the election of delegates at large, alternate delegates at large, delegates and alternate delegates to the national conventions of the various political parties to

be held to nominate party candidates for president and vice-president of the United States.

*Declarations.* Amend RSA 57:6 by striking out the word "Tuesday" in line 10 thereof and inserting in place thereof the word Saturday so that the same as amended shall read as follows:

57:6. — *Form.* Declarations of candidacy shall be in form as follows: "I ..... declare that I reside in ward ..... in the city (or town) of ....., county of ..... and state of New Hampshire, and am a qualified voter therein; that I am a registered member of the ..... party; that I am a candidate for election as delegate (or as alternate delegate or delegate at large or alternate delegate at large) to the national convention of the ..... party next to be held for the nomination of candidates of said party for president and vice president of the United States. I request that my name be printed as such candidate on the official ballot of the ..... party to be used at the primary to be held on the second Saturday of March next. I further declare that if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large) I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control." (Amended, 1953, 190:5, eff. May 28, 1953.)

If the person desires to do so he may add to such declaration either of the following two statements: (1) "I am favorable to (insert the name of any person) as the candidate for said party for president, and I request that after my name upon the ballot shall be printed the words I am favorable to the nomination of (naming the same person) for president." (2) "I pledge myself, if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large), to vote in said convention, whenever I shall vote, for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention, and I request that after my name upon the ballot shall be printed the words pledged to vote for the nomination of (naming the same person) for president." The words chosen by the candidate shall be printed upon the primary ballot following the name as requested. In the case

of the second option, the pledge shall be printed upon the primary ballot as requested if such candidate for president files his written consent thereto with the secretary of state before the time for the filing of declarations expires, but not otherwise.

Sources: 1913,167:5. PL 30:6. RL 38:6. 1949,56:1, eff. Mar. 11, 1949. 1953, 190:5, eff. May 28, 1953.

The report was accepted.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

The President recognized Senator Rainie:

"Mr. President, when this bill was written in the first instance, it gave the option to any town, by going through certain procedures, to hold the town meeting on the second Saturday of March. (Saturdays being more or less a general holiday). It seemed reasonable, but the Tax Commission, among others, felt that there should be some uniformity to town meetings, feeling that it might cause trouble if there was no uniform date set. Considerable discussion and exchange of views with some members of the House and finally we came up with this amendment. The amended bill puts the annual town meeting on the second Saturday of March throughout the state."

Senator Bennett inquired of Senator Rainie, "As this bill is now amended, is Saturday an optional thing?"

Senator Rainie replied, "No. It is now set definitely for that day. Of course, when it gets into the House, there may be some changes made. I believe that this bill as amended will do some good."

Question being on the adoption of the amendment offered by the Committee on Ways and Means to the above entitled bill.

The President recognized Senator Holmes:

"Mr. President, I am not opposed to the principal of the bill, but I have been remiss in not getting replies from people in my district, and therefore would like to be recorded as voting against it."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.



HB 132, An Act establishing the militia. Report of the Joint Committee on Military and Veterans' Affairs and Judiciary (Senator O'Brien): Ought to pass with amendments.

Amend the section numbered 110-A:1 as inserted by section 1 of said bill by inserting at the end thereof the following new paragraph: V. When authorized by the laws and regulations of the United States, there shall be an additional division of the organized militia to be known as the New Hampshire naval militia.

Amend the section numbered 110-A:15 as inserted by section 1 of said bill by adding at the end thereof the words, when authorized by the laws and regulations of the United States such personnel may include females, so that said section as amended shall read as follows: 110-A:15. *Army National Guard*. The army national guard shall comprise the army units which are a part of the New Hampshire national guard at the time of the enactment of this chapter and such other army units as may be organized hereafter, including the personnel who are enlisted, appointed or commissioned therein. When authorized by the laws and regulations of the United States such personnel may include females.

Amend the section numbered 110-A:16 as inserted by section 1 of said bill by adding at the end thereof the words, when authorized by the laws and regulations of the United States such personnel may include females, so that said section as amended shall read as follows: 110-A:16. *Air National Guard*. The air national guard shall comprise the air units which are a part of the New Hampshire national guard at the time of the enactment of this chapter and such other air units as may be organized hereafter, including the personnel who are enlisted, appointed or commissioned therein. The light aviation units of the army national guard shall not be considered air units within the meaning of this chapter. When authorized by the laws and regulations of the United States such personnel may include females.

The report was accepted.

On motion of Senator O'Brien, the reading of the amendments was dispensed with.

Senator Humphreys requested permission from the Chair to explain the bill.

This request was granted by the President.

HB 132, An Act establishing the militia.

Mr. President: With the permission of the Senate my explanation will cover both the bill and the proposed amendment as it would be impractical to try to explain the amendment separately from the bill.

This HB 132 is a revision and codification of our State Militia Law. For the past 40 years there have been piecemeal amendments to our militia law in some particulars while other sections, which need changes to bring them up to date and in line with Federal Statutes, have gone unchanged. This bill, drawn by the military department of our State, is for the purpose of modernizing and correcting the deficiencies in our entire militia law. Its provisions are the result of several years work by Colonel Green, State Judge Advocate General, and Major Warren Waters, the Assistant State Judge Advocate General. The committee was informed that the bill is in line with similar laws being enacted in other States. Another purpose of the bill is to provide for a State Militia and National Guard organization with sufficient authority and regulations to permit our State Military forces to function in any time of national emergency such as atomic attack, even though Federal direction or leadership might be disrupted.

Some of the changes provided by this bill are as follows:

1. A requirement of at least 5 years' service in the National Guard before appointment as adjutant general.

2. A proviso that guardsmen injured in line of duty on State service shall be paid wages as set by the Workmen's Compensation Act as are employees of other departments of the State.

3. Provisos to protect a guardsman in his employment and that claims for damages caused by guardsmen shall be handled by our Superior Court without a jury.

4. A provision raising the grade of certain officers on the Governor's staff from major to colonel or its naval equivalent. This would not apply however to National Guard officers detailed to the Governor's staff. They would retain their existing rank. The Governor's staff would consist of the adjutant

general and 12 aides, 4 of whom would be National Guard officers, 4 would be appointed from persons who served in the U. S. military services in any war, and 4 would be appointed from among officers or former officers of the U. S. military forces, National Guard or various officers reserve corps, or from civil life.

These are some other things that the bill will do:

1. It changes the wording of the present law in many respects in the interest of clarity without modifying the intent.

2. To conform to Federal law, it lowers the minimum age for the State militia to seventeen.

3. A new paragraph sets up the National Guard in 3 divisions which are the Army National Guard, Air National Guard and the inactive National Guard.

4. It provides for new and more workable procedures for registration and draft of unorganized militiamen in conformity with State and Federal laws.

5. It provides that the guard, in emergency, can be placed under direction of the Federal commander.

6. It provides a new paragraph which prescribes the method for appointing the Governor's aides and their duties.

7. It gives statutory authority for and recognition of several procedures and actions which are now done by custom, such as the existence of the adjutant general's staff, emergent purchases, issue of military property, the State reserve list, use of the guard outside of the State, authority for armories, annual training and other duties, organization of units, establishment of rank, qualifications of officers, examining boards, responsibility for property, etc.

8. This bill establishes a Military Justice Code for the National Guard to correct deficiencies in the present law.

9. The bill includes an anti-discrimination clause.

10. It provides authority for the Governor to enter into formal agreements with the adjacent State relative to military protection of Interstate bridges in case of war or military emergency. This is in the present law.

There was no opposition to the bill at the hearing.

The amendment proposed by the committee provides:

1. That, if and when authorized by Federal law, the State could organize a naval militia. The committee felt that this would amply provide for contingencies of the future to keep abreast and in line with Federal statutes. It does not require establishment of a naval militia unless it is needed and financially practicable.

2. The proposed amendment also provides that, when authorized by Federal law, personnel of the Army National Guard and Air National Guard may include females. The committee felt that any all-out national emergency might require the help of female personnel for office work or in other skills in line with the present or future Federal Military laws and policies and that such an emergency or necessity should be anticipated in writing our militia law. At present the Air National Guard has been ordered by Federal Government to fill their complement as to nurses. This would legalize it on the State level.

3. Another change made by the proposed amendment is to change defective language of Par. II on Page 6 of the printed bill, without changing its intent.

As you can see, House Bill No. 132 is not one of those simple bills we so often hear mentioned. This bill took over 3 years to prepare, is 56 pages long, and no one except the sponsor is fully qualified to explain *all* its details.

On further motion of Senator O'Brien, the Senate resolved itself into a Committee of a Whole for further discussion of the above entitled bill and the proposed amendments.

(Committee of the Whole)

The Senate in regular session.

Senator Cleveland moved that the Senate adopt the report of the Committee of a Whole as having acted favorably on six proposed amendments.

Senator Packard moved that the amendments be acted upon in groups rather than as a whole.

On a *viva voce* vote, the motion was adopted.

Question being on the adoption of the three amendments offered by the Joint Committee of Military and Veterans' Affairs and Judiciary.

On a *viva voce* vote, the affirmative prevailed, and the amendments were adopted.

Question being on the adoption of the two amendments offered from the floor of the Committee as a Whole, having been offered by the attorney general's office.

Amend the section numbered 110-A:67 as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following: 110-A:78. *Insurance*. The adjutant-general is authorized to effect such insurance upon property of the United States, in the hands of the state for the use of the national guard, as he may deem advisable. The governor, with the advice and consent of the council, is authorized to draw his warrant upon any money in the treasury available for military purposes, or not otherwise appropriated, for such sums as may be necessary to carry out the provisions of this section.

Further amend said bill by striking out the words "as of July 1, 1957" in section 4 and inserting in place thereof the words, upon its passage, so that said section as amended shall read as follows:

4. *Takes Effect*. This act shall take effect upon its passage.

On a *viva voce* vote, the affirmative prevailed, and the amendments were adopted.

Question being on the adoption of the amendment which was reported favorably by the Committee of a Whole, having to do with the rank of the Governor's staff.

Amend paragraph II of the section numbered 110-A:7 as inserted by section 1 of said bill by striking out the entire paragraph and inserting the following: II. Officers detailed from the national guard shall retain their existing rank, and shall remain subject to duty except as their services may be required by the governor as members of his staff. Officers or enlisted men or former officers or enlisted men appointed from the Army, Navy, Marine Corps, Coast Guard or Air Force, or the various military reserve corps, shall be of the rank held or last held by them in these organizations, except that if the rank last held by a former member of the army, marine corps or air force is lower than major, such former member shall be commissioned in the rank of major; and that if the rank

last held by a former member of the navy or coast guard is lower than lieutenant-commander, such former member shall be commissioned in the rank of lieutenant-commander. Except as provided above, civilians appointed to the military staff of the governor shall be commissioned in the rank of major or its naval equivalent, and shall not thereby be exempted from military duties. The twelve aides-de-camp shall hold office during the pleasure and not exceeding the term of office of the governor.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator O'Brien, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

The President recognized Senator Cleveland:

"Mr. President, I do not plan to offer an amendment or an objection. But I do object to one feature of the bill. I think it is poor practice to limit the adjutant general to a man who has had five years of experience in the National Guard of New Hampshire. I can foresee a situation (that situation is not here now) but I can foresee where they might want to get new blood in the Guard. This means that a man, no matter how able, could not be Adjutant General of the State unless he had served five years in the National Guard. There is much to be said about men coming up through the ranks. I would oppose that phase of the bill."

### Third Reading of Bill

The following entitled bill was read a third time, and passed:

HB 132, An Act establishing the militia.

### Resolution

Senator Adams offered the following resolution:

*Resolved*, That the Committee on Public Health, Welfare and State Institutions be and is hereby instructed and ordered to report SB 42, An Act relative to defective delinquents at Laconia State School, with or without recommendations to the Senate on or before 11:00 A. M. on Thursday, May 23, 1957.

The President recognized Senator Adams:

"Mr. President, I think this resolution is self explanatory. The bill in question has been a matter of controversy in the committee. There is some serious disagreement as to whether or not the bill is good legislation. I think it is of enough importance that if the committee cannot agree, the bill should be placed before the Senate for discussion as a whole."

The President recognized Senator DeLude:

"Mr. President, if the wish of the Senate is to have this reported out, I have no objection. I do rise in opposition to the resolution. There is no honest disagreement among the committee about the major portion of the bill. However, we have agreed that the bill might be amended to broaden the terms under which a child might be transferred. I believe that is the thing that should be worked for in this bill. I am calling an executive committee hearing for next Tuesday. At this time, we have only discussed this bill informally. I do not believe that we agree or disagree. I have asked the counsel to draft an amendment which I will offer to the committee at that time. If the Senate feels there is any gain to be gotten by reporting this out by Thursday, I do not believe the committee is in disagreement. We are somewhat disagreed as to one portion of the bill. I have not yet been able to find out from the various county commissioners how they would feel. In my county, they would not be able to handle such a child. I have not been able to get the complete report and I would like to do that before our committee reports the bill out. When they get to the point where Laconia cannot handle them, they are transferred to the State Hospital. I do think there is disagreement among the members of the committee on that. We have been informed by Arthur Bean of the attorney general's office that the method whereby these children might be transferred may be a subject of litigation. I would like a further opinion on that portion of the bill. Obviously, we are not helping Laconia if we pass legislation here, only to have some court rule that it is not legal. I am not an attorney. I do not feel that my own judgment is sufficient and I believe some of my committee feel the same way. I would appreciate the opportunity of having an executive session on this bill next Tuesday on what we believe will be a better law than the one we have now."

Senator Rainie:

"Mr. President, I think that this is wholly uncalled for — this resolution that has been presented to this body. There has been no disagreement in the committee, but we have not yet arrived at a conclusion. There is no tie vote — the matter is still open. I would amend the resolution to read 11:00 o'clock on Wednesday, May 29th."

Senator Adams:

"Mr. President, I have no objection to the amendment. I simply want to assure myself that this bill will be reported out at some time in the near future. We have had public hearings. We have had one executive session at least on this bill. We have heard Dr. Hungerford. We have heard from the attorney general's office. We have taken an informal vote in committee, I believe. In essence, this bill would do only one thing. It would change the method of transferring — the transfer to be reviewed by the court. I have no objection to making this a Special Order of Business next Wednesday, as long as there is some definite time limit set. I believe there is some need for hastening — there have been three fires at Laconia State School recently, and one fatal injury. That indicates that we would take some action soon on this matter."

Senator DeLude:

"Mr. President, I would appreciate it if the Senate would go along with the amended motion for next Wednesday. Conflict in committee hearings has been the reason why this was the last bill to be discussed. We want to give it due consideration. I do feel that Senator Adams is a little bit at odds by his remarks. The fatal fire was perpetrated by a working patient, and not by a defective delinquent, who might be able to be paid for their services under one of the bills previously passed by this Senate."

The Chair inquired of Senator Adams if, in view of the above, would he withdraw his resolution.

Senator Adams replied in the negative. But stated that he would accept the amendment to the resolution. Stated "I want to be sure that the matter will not be postponed any longer than the date set forth in the amended resolution."

Question being on the amendment offered to the above resolution.



On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

Question being on the adoption of the resolution as amended.

On a *viva voce* vote, the affirmative prevailed, and the resolution as amended was adopted.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 109, An Act relative to hearings before the personnel commission.

SB 131, An Act relating to building and loan associations.

SB 145, An Act relative to salaries of Strafford and Sullivan County solicitors.

HB 119, An Act prohibiting certain lights along a highway.

HB 121, An Act relating to municipal water works.

HB 237, An Act extending road in Warner.

HB 318, An Act relative to establishing a road through Wadleigh park in Sutton as a recreational road.

HB 284, An Act relative to the open season for taking fur-bearing animals.

HB 330, An Act relative to balloting for town manager.

The following entitled bill was read a third time:

SB 74, An Act relative to the date for an annual town meeting.

On motion of Senator Adams, the above entitled bill was laid upon the table and made a Special Order of Business for Wednesday, May 22, at 11:02 o'clock.

### Resolution

Senator Holmes offered the following resolution:

*Resolved*, That the Senate meet next Monday at 10:00 o'clock, next Tuesday and next Wednesday at the usual hour

of 11:00 o'clock. There will be no session on Thursday, in view of the fact that it is Memorial Day.

On a *viva voce* vote, the resolution was adopted.

On motion of Senator Daniel, the Senate adjourned at 1:07 o'clock.

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WEDNESDAY, MAY 22, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator English requested leave of absence for the balance of the week, on account of illness. This request was granted by the Chair.

### **Introduction of Guest**

The President welcomed to the floor of the Senate, and as the guest of Senator Adams, his daughter, Miss Judy Adams, who is a student at Pinkerton Academy in Derry.

### **Introduction, First and Second Reading of Senate Bills**

SB 177, An Act relative to public meetings of state and local boards and commissions. Introduced by Senator Bennett. Referred to the Committee on Ways and Means.

SB 178, An Act limiting the jurisdiction of the public utilities commission over railroads and buses. Introduced by Committee on Rules. Referred to the Committee on Transportation.

SB 179, An Act to correct an error in the statute relative to selling or serving milk for drinking. Introduced by Committee on Rules.

On motion of Senator Hodgdon, the rules of the Senate were so far suspended as to dispense with the printing and reference to committee on the above entitled bill, and the bill was placed on its third reading and final passage at the present time.

The Chair explained to the Senate that this bill simply corrects an omission when the RSA was compiled.

### Third Reading of Bill

The following entitled bill was read a third time, and passed:

SB 179, An Act to correct an error in the statute relative to selling or serving milk for drinking.

### House Message

The House of Representatives has passed the following bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 130, An Act to clarify the relationship between the board of Nursing Education and Nurse Registration and the State Department of Education and to provide for the acceptance of federal aid for practical nurse training.

HB 286, An Act relating to disabled veterans hunting from motor vehicle.

HB 345, An Act establishing the advisory committee on shore fisheries.

### Introduction, First and Second Reading of House Bills

HB 130 to the Committee on Education.

HB 286 to the Committee on Fisheries and Game.

HB 345 to the Committee on Fisheries and Game.

### House Message

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 92, An Act relative to certain transfers from the employees' retirement system to the firemen's retirement system.

SB 136, An Act relative to the acceptance of gifts to the state library for library purposes.

### Committee Reports

HB 233, An Act relating to conduct after a motor vehicle accident. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Giving Notice.* Amend RSA 262:23 by striking out the same and inserting in place thereof the following: 262:23

*Conduct After Accident.* Any person who is the operator of a motor vehicle who is knowingly involved in any accident which results in death, personal injury or damages to property, shall forthwith bring his vehicle to a stop, return to the scene of the accident, give to the operator of any other motor vehicle involved in said accident, and to the person injured, or the owner of the property damaged, his name and address, the number of the driver's license, the registration number of the motor vehicle and the name and address of each occupant thereof. If by reason of injury, absence or removal from the place of the accident, or other cause, such injured person, or operator of such other motor vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required hereunder, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of fifty dollars, shall within forty-eight hours after such accident report in writing to the commissioner the facts required hereunder together with a statement of the circumstances of the accident; provided, however, that voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section. Such report, the form of which shall be prescribed by the commissioner, shall contain information to enable the commissioner to determine whether the requirements for the deposit of security under section 5 of chapter 268, RSA, are inapplicable by reason of the existence of insurance or other exceptions specified in that chapter. If such operator be physically or mentally incapable of making such report, the owner of the motor vehicle involved in such accident or his representative shall, after learning of the accident, forthwith make such report. The operator or the owner shall furnish such additional relevant information as the commissioner shall require.

The report was accepted.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

The President recognized Senator Holmes:

"Mr. President, the amendment is one that can be ex-

plained briefly. The amendment does two things: first, it makes a few technical changes in the wording of the bill. This bill is an attempt to make some technical corrections in the statute relating to conduct after a motor vehicle accident. The bill, basically, makes technical changes in the present statute. In a recent case, the supreme court pointed out that this statute was deficient in that it did not require a person involved in an accident, where there was only personal injury, to report to a police officer at the nearest police station. This deficiency is corrected in this amendment. The present law requires such reporting only when property is damaged. A second change in the present law is made by striking out the word 'caused' and inserting the word, involved, so that the language as amended reads: any operator who is knowingly involved in an accident. There are other technical corrections in language made in the amendment that in no way affect the meaning or the intent of the statute. Commissioner Clarke appeared in favor of the bill. There was no opposition."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 155, An Act authorizing special number plates for deputy sheriffs.

HB 192, An Act relating to fraudulent checks issued in payment for services.

HB 254, An Act relative to transportation of so-called Christmas trees.

HB 413, An Act legalizing the school district meeting held in Hudson on March 16, 1957.

HB 418, An Act legalizing certain action taken by the town of Bristol and the Bristol Village fire precinct.

SB 38, An Act relating to probate courts.

SB 78, An Act relative to salaries of court stenographers.

SB 94, An Act relative to the Wolfeboro Village Fire Precinct.

HB 221, An Act relative to the Laconia Home for the Aged.

HB 431, An Act legalizing a meeting of the Hillsborough County Convention.

SJR 2, Joint Resolution in favor of Eleanor Marquis.

NELLE L. HOLMES,  
*For the Committee*

The report was accepted.

**Special Order of Business at 11:01 O'Clock**

Senator Packard called for the Special Order of Business.

Question being on the adoption of the amendment offered by the Committee on Judiciary to HB 45, An Act relative to appearance of police officers in civil and criminal proceedings.

The President recognized Senator Packard:

"Mr. President, since asking for a Special Order of Business on the above entitled bill, I have read the bill over and I am in favor of its passage."

On a *viva voce* vote, the amendment was adopted.

Senator Adams offered the following amendment to the above entitled bill:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to appearance of police officers in civil or criminal proceedings and payment and disposition of fines.

Amend said bill by inserting after section 2 the following new section.

3. *Deductions.* Amend RSA 502:14 by adding after the word "and" in line 18 the words, after deducting witness fees and costs of clerk's bond, if any, so that said section as amended shall read as follows:

502:14 *Duties of Clerk; Disposition of Fines.* The clerk shall receive all fines and forfeits paid into the municipal court from any source. After deducting witness fees, costs of clerk's bond, if any, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court the clerk shall, except in cases otherwise provided, pay the same over to the treasurer of the city or town wherein the said court is located, for the use of said city or town. Provided that whenever fines are

assessed on account of violations of Title XXXIV, RSA, relative to public utilities, Title XXXIJ, RSA, relative to aeronautics, Title X, RSA, relative to public health, chapter 270, RSA, relative to navigation, chapter 282, RSA, relative to unemployment compensation, chapters 183, 184, 185, 341, to 344, RSA, inclusive, and chapters 284, 345, 425 to 429, 433, 434, 436 to 439, 440 to 443, RSA, relative to agriculture, or any other statutes wherein it is provided that the fines shall be paid to the state or to a department or agency of the state, the clerk of the municipal court shall deduct from each of said fines so collected by the court the sum of five dollars and ten per cent of that part of the fine which exceeds five dollars, and after deducting witness fees and costs of clerk's bond, if any, shall pay over the balance to the state or department or agency to whom due, within seven days after the receipt thereof. The part of said fines deducted by said clerk as hereinbefore provided shall be retained and used for payment of expenses of the court as hereinabove provided.

Further amend said bill by renumbering section 3 to read section 4.

The President recognized Senator Adams:

"Mr. President, it was called to my attention last week by the municipal clerk of my town that recently the statute had been amended to raise the witness fee from \$2 per day to \$5 per day in all courts. In so doing, no change was made in the case of a motor vehicle inspector who brings a party into municipal court and charges him with a violation. After deducting \$5 and 10% of the fine, the court is required to return the fine to the motor vehicle department. It does not permit the court to deduct the witness fee. In a recent case, the court paid \$5 apiece to five witnesses, making the municipal court in the town of Derry \$10 in the 'red' when they got all done with the business. It was an oversight in the law and the amendment which I have asked the Counsel of the Senate to prepare this morning will take care of this. This seemed the proper bill to put the amendment on. The cost of this situation was an oversight, and the state certainly did not intend the town to subsidize on the state's business."

Question being on the adoption of the amendment offered by Senator Adams.

Senator Packard inquired of Senator Adams:

"DO arresting officers receive witness fees under this?"

Senator Adams replied:

"No, but in case he summons witnesses into court or the defense summons witnesses into court, they must be paid at the rate stipulated — \$5 per day. This fee used to be \$2, but it has been raised to \$5 this session. This takes quite a bite out of the court's fines."

Senator Karkavelas:

"In answer to the question of Senator Packard, I would say that I differ with the opinion of Senator Adams. In the city of Dover, the officer does get a witness fee if he is the arresting officer. I do say that the arresting officer does get paid witness fees."

Senator Adams:

"Then I stand corrected in my reply to Senator Packard. However, this amendment makes no change in the witness fee. I have made no change in that law."

Senator Rainie:

"Mr. President, I have refrained from saying anything about this amendment which has been offered. I do feel, however, that the amendment is not good for anything. It will not do what Senator Adams thinks it will do. This amendment is not germane to the bill. I think this is a matter which calls for a little attention. I object to this amendment as it is not germane. Perhaps the subject of the amendment is all right, but I do not think it should be mixed up with the other bill. I am willing to move that we make consideration of the bill with amendment a Special Order of Business for Tuesday at 11:02. I would like to consider this further before voting on it."

The President made the following statement to the Senate with reference to the matter of the amendment being germane: "In view of the amendment, which was adopted by the Senate previously, which amendment certainly had a provision for the payment of fines, the Chair would rule that the amendment offered by Senator Adams is germane. Also, the title of the bill must be amended by adding 'disposition of fines'."

Question being on the motion of Senator Rainie, that further consideration of HB 45 with amendment be laid upon



the table, and made a Special Order of Business for next Tuesday, at 11:02 o'clock.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

### **Special Order of Business at 11:02 O'Clock**

Senator Adams called for the Special Order of Business.

Question being on the passage of SB 74, An Act relative to the date for an annual town meeting.

The President recognized Senator Adams:

"Mr. President, I move that the Senate reconsider its vote whereby this bill was ordered to a third reading."

Senator Adams:

"Mr. President, I was unaware of it up until yesterday, but the Associated Press man called to my attention that he believed that the state of Minnesota had changed their presidential primary date in this year's legislature. He checked on that for me and they *have* changed the date to the second Tuesday in March, whereas it used to be much later in the month. If this bill passes in its present form, in 1960 the presidential primary would be on the 12th of March here in New Hampshire, and in Minnesota, theirs would be on the 8th of March. Therefore, we would lose our present status of being the first state in the holding of the presidential primary. I do not know as it makes any great difference, but New Hampshire has received a lot of free publicity with regard to this and some people may have a definite thought about this. If this bill is put on its second reading, I will offer an amendment to make it the first Saturday of March."

Senator Bennett:

"Mr. President, already in this state the people who are responsible for the handling and printing of reports in every town must have their reports printed and in the hands of the proper person in the town seven days before the town meeting, which has been the second Tuesday. Now, as I gather from the amendment, if this bill was passed and to become law, as the first Saturday, it would make it virtually impossible to prepare and print the reports in time, and virtually impossible for the selectmen to prepare their reports and get them in the hands of the tax payers seven days before the

meeting. I believe that considerable thought must be given to this amendment and I believe that some additional information should be considered. I am against the motion to reconsider the vote whereby the bill was ordered to a third reading."

Senator Rainie:

"Mr. President, does the matter of weather enter into this change. I think we should take into consideration the fact that there is likely to be quite a change in a week's time at that time of the year. I believe that the second Saturday in March was early enough. I do not believe it is of any great importance this changing the date to a week earlier. I am against the motion of Senator Adams."

Senator Holmes:

"Mr. President, I would state that I believe this bill is of some importance and I don't like to vote on it without some discussion. I haven't heard any discussion of it at all. I am very much in the dark."

Senator Lamontagne:

"Mr. President, I would like to say that if the motion of Senator Adams carries, I would move that further consideration of the bill be made a Special Order of Business for next Tuesday at 11:02 o'clock."

Question being on the motion of Senator Adams that the Senate reconsider its vote whereby the above bill was ordered to a third reading.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

The bill being on its second reading, and open to further amendment, Senator Adams offered the following amendment:

Amend SB 74 by striking out the word "second" wherever they appear and inserting in place thereof the word, first."

On motion of Senator Lamontagne, the above entitled bill with the proposed amendment was laid upon the table, and made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

### **Bill Recalled from the House of Representatives**

Senator Bennett moved that SB 109, An Act relative to hearings before the personnel commission, which was passed

by the Senate yesterday, be recalled from the House of Representatives.

The President recognized Senator Bennett to speak on the above motion.

Senator Bennett:

"Mr. President, after looking at the bill, it seems to me that it would be unwise to give the personnel commission this power. Particularly in view of the fact that a bill giving the attorney general subpoena power has recently been killed. It seems ludicrous to me to give to the personnel commission the power to subpoena witnesses, to compel them to appear before the commission and to allow the commission to have access to files, letters, records, etc. I wish to study the bill further."

Senator Packard:

"Mr. President, I am happy to hear this motion by Senator Bennett. As the Senate will recall, I was the only one to vote 'no' on the passage of this bill yesterday and my remarks are so recorded in the Journal. I was very reluctant to give any board or commission this amount of power. I am glad to see that this will be re-acted on and changes made. I am in favor of the motion to recall the bill from the House."

Senator Humphreys:

"I am in support of the motion. I would like to have the opportunity to study it further."

Question being on the motion of Senator Bennett.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

(Senator Daniel in the Chair)

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bill

The following entitled bill was read a third time, and passed:

HB 233, An Act relating to conduct after a motor vehicle accident.

On motion of Senator Merrill, the Senate adjourned at 12:32 o'clock.

THURSDAY, MAY 23, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed to the floor of the Senate as the guests of Senator Adams, Mr. and Mrs. Ernest Johnson of Peterborough.

### Message from the Honorable Supreme Court of New Hampshire

TO THE HONORABLE SENATE:

The undersigned Justices of the Supreme Court submit the following answers to the questions contained in your resolution filed May 3, 1957 with reference to Senate Bill No. 98, entitled "An Act providing that each town and ward shall have representation at each session of the legislature." The bill would amend RSA 66:5 and 6, to provide that the "basis for the apportionment of representatives" as provided in RSA ch. 66, "is that of one representative from any town and ward having one thousand five hundred or less inhabitants," (s. 1) and that the Legislature shall at its session next after any general census "make provision that all towns and wards . . . having a population of less than one thousand five hundred inhabitants shall be entitled to one representative for each session of the general court." S. 2.

Your first inquiry is whether the provisions of the bill "violate the provisions of Articles 9 and 11 of Part 2 of the Constitution of this state." It is our opinion that the bill if enacted would violate the Articles specified.

Prior to 1942, *Art. 9*, Part II of the Constitution provided that each town or ward having six hundred inhabitants might elect one representative, and that twelve hundred inhabitants should be the "mean increasing number of every additional representative." At the same time *Art. 11* provided that any town or place having less than six hundred inhabitants should be entitled to a representative "such proportionate part of the time, as the number of its inhabitants shall bear to six hundred."

In 1942, however, Articles 9 and 11 were amended in accordance with proposals submitted by the Constitutional Convention of 1941, so as to limit the size of the House of

Representatives to "not less than three hundred seventy-five or more than four hundred." Const., Pt. II, *Art. 9* See 23 N. H. Manual for the General Court (1943) 429, 430. Pursuant to other changes then made in Article 9, the Constitution now further provides that every ten years after 1951 the Legislature shall make an apportionment of representatives so that the "number of inhabitants necessary to entitle any town or ward to representatives additional to the first shall be for each additional representative twice the number of inhabitants required for the first representative. . . ."

Article 11 was also amended in 1942 so that it now provides that the Legislature shall authorize "any town or ward [having] less than the number of inhabitants necessary to entitle [it] to one representative" to send a representative "such proportionate part of the time as the number of its inhabitants shall bear to the requisite number established for one representative and without such authority no town or ward shall send a representative; *provided, however*, that each town and ward shall be entitled to representation in at least one session in every ten years." Const., Pt. II, *Art. 11*. See Laws 1951, *c.* 247.

It is clear that the provisions of Articles 9 and 11 in their present form preclude legislative provision for representation of every town and ward at every session of the Legislature, which is the apparent purpose of Senate Bill No. 98.

Following the Constitutional Convention of 1948, a proposed amendment of Article 9 which would have provided for representation of each town and ward at each session failed of adoption by vote of the people. 31 N. H. Manual (1949) 621. Plainly, the Legislature may not by enactment of Senate Bill No. 98 effect a formula for representation which the people refused in 1948 to sanction by constitutional amendment.

The bill would not, as has been suggested by memorandum, establish a "bench mark" of fifteen hundred inhabitants for one representative. On the contrary, it would require no fixed number of inhabitants, because it would provide for representation of any town the inhabitants of which numbered fifteen hundred "or less." S. 1 *Cf.* Laws 1951, *c.* 247, *supra*, s. 3.

While directing that each town and ward shall be repre-

sented "in at least one session in every ten years," Article 11 leaves no ambiguity with respect to the question of whether each town and ward shall be entitled to representation at each session. It definitely provides that they shall not. If the number of inhabitants is less than the number necessary to entitle a town or ward to one representative, it is entitled to representation a proportionate part of the time only, but never less than one session in every ten years. Dishman, "A New Constitution for New Hampshire?" (Governmental Series No. 6, Univ. of N. H., April 1956).

Although the first question is answered in the affirmative, your next inquiry would seem to be whether there is "any method by which the general court may so apportion the representatives that each town and ward shall have at least one representative in each session." The answer to this question is "no." The authority of the Legislature is limited to that conferred by Article 11, which specifically provides that without authority from the Legislature "no town or ward shall send a representative." The latter mandate is qualified by the proviso that each town and ward shall be entitled to "representation in at least one session in every ten years," but this confers no authority to provide for representation of each town and ward at each session.

Your third inquiry would seem to arise if the first question is answered in the negative, rather than in the affirmative as the third question literally provides. Section 3 of the bill provides that it shall take effect as law "for the election of representatives for the 1963 session of the general court." Your third question is whether the general court can "apportion the representatives at the present session or at the 1959 session." The question must be assumed to relate to a reapportionment such as is contemplated by Senate Bill No. 98. Const., Pt. II, Art. 74: *Opinion of the Justices*, 98 N. H. 537. Since such a reapportionment may not constitutionally be made, it follows that the third question is answered in the negative.

In summary, it is our opinion that Senate Bill No. 98 would be unconstitutional if enacted, and that the Legislature may not constitutionally provide that each town and ward

shall have at least one representative in each session, whether it undertakes to do so at this or any ensuing session.

FRANK R. KENISON  
LAURENCE I. DUNCAN  
AMOS N. BLANDIN, Jr.  
EDWARD J. LAMPRON  
STEPHEN WHEELER

May 23, 1957.

Elmer Munson Hunt of Salisbury, for the bill.

### **Introduction, First and Second Reading of Senate Bills**

SB 180, An Act to correct clerical error in An Act relative to town appropriation.

Introduced by Committee on Rules.

On motion of Senator Adams, the rules of the Senate were so far suspended as to dispense with the printing and reference to committee, and the above entitled bill was placed on its third reading and final passage at the present time.

The Chair stated that this bill corrects a purely technical error in HB 226, passed recently.

### **Third Reading of Bill**

The following entitled bill was read a third time, and passed:

SB 180, An Act to correct clerical error in An Act relative to town appropriation.

SB 181, An Act relative to mortgage loans by savings banks which are guaranteed or insured by federal agencies.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

SB 182, An Act relative to injuries to property.

Introduced by Committee on Rules.

Referred to the Committee on Fisheries and Game.

SB 183, An Act relative to duties of the legal counsel to the Senate.

Introduced by Senator Cleveland.

Referred to the Committee on Rules.

SB 184, An Act relating to extension and reamortization of mortgage loans to veterans.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

### House Message

The House of Representatives has passed the following bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 421, An Act making appropriation for the Governor's legal counsel.

HJR 44, Joint Resolution providing for supplemental appropriation for recreation division of forestry and recreation.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 41, An Act relative to trustees of the Laconia State School.

Amend said bill by inserting after section 1 the following new section:

2. *Additional Member for Board of Trustees for Laconia State School.* Amend RSA 10 by inserting after section 2-a as hereinbefore inserted the following new sections: 10:2-b. *Number of Trustees.* There shall be a board of eight trustees for the Laconia state school the appointed members of which shall serve without pay but shall be allowed their reasonable expenses. Seven members of said board shall be appointed by the governor and council for terms of six years each. Vacancies in said board shall be filled by the governor and council for the unexpired terms.

3. *Repeal.* Such parts of RSA 10:2 relative to trustees of institutions, as affects the Laconia state school, which may be inconsistent with the provisions of section 2 are hereby repealed to the extent of such inconsistency.

4. *New Appointee.* Upon the passage of this act the governor and council shall appoint a new member of the board of trustees of the Laconia state school for a term of six years



from June 30, 1957, and thereafter in every sixth year there shall be appointed two members of said board of trustees.

Further amend said bill by renumbering sections 2 and 3 to read sections 5 and 6.

On motion of Senator Adams, the Senate voted to concur in the adoption of the amendments to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 284, An Act relative to the open season for taking fur-bearing animals.

HB 132, An Act establishing the militia.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 15, An Act relative to date of annual assessment in unincorporated places.

SB 61, An Act relative to transfer of unclaimed ticket money from horse racing into general funds.

SB 106, An Act relative to the salary of the sheriff of Strafford county.

SB 107, An Act relative to a special account for use by the fish and game director.

SB 132, An Act to authorize the state of New Hampshire to enter into a compact with the states of Maine and Vermont to establish a tri-state regional medical needs board.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 11, An Act relative to certificates as to payment of legacy taxes.

### **Introduction, First and Second Reading of House Bill and Joint Resolution**

HB 421 to the Committee on Finance.

HJR 44 to the Committee on Finance.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to dispense with reference to committee on the above captioned joint resolution, and the joint resolution was placed on its third reading and passed at the present time.

Senator Packard wished to be recorded as voting no on the above motion, and against the passage of the joint resolution.

### Committee Reports

SB 152, An Act providing for a study relative to budgets for cooperative school districts.

Report of the Committee on Education (Senator Merrill): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, this bill authorizes study of financial control of cooperative school districts. Divided opinion, but the majority of the committee felt that the study would be good in any case."

The President recognized Senator Adams:

"Mr. President, may I say that I am somewhat familiar with the reason for this legislation being offered. In the Oyster River Cooperative District there was no budget control of the cooperative school by the town. Being a property owner in Durham, I was interested in this situation. After the school was built, they decided to put a parking lot out in back of the school. They did — nicely tarred, etc. and they spent \$13,000 in doing it even though the town offered to do it for \$2,600. I suggested that this may be a way of controlling expenditures of that nature."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 164, An Act legalizing the special actions taken at the special meeting of Hopkinton school district, February 6, 1957, and authorizing certain indebtedness. Report of the Committee on Education (Senator Merrill): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, this bill has two sections; the first one

legalizes special meeting of February 6 because of certain technicalities. The objection was that the moderator failed to read the entire report of the budget committee, but report was favorable. The second section authorizes \$145,000 borrowing, making district total of \$280,000, which is greater than 3% on base valuation presently allowed, but less than Board of Investigation could approve, and less than the district will be able to approve under new legislation. The district is interested in early action. There was no opposition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 53, An Act relative to providing for an additional member of the state board of health.

Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, at the present time the state board of health is made up of 3 physicians, a civil engineer and two members who shall be neither physicians or civil engineers, and the attorney general as *ex officio*. This bill adds a dentist to the group. The committee was favorable."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 162, An Act relating to absentee voting. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this has to do with procedure in absentee voting. At the last session of the Legislature, the provision was removed which had to do with the taking of an oath by the signer by petition of an absentee ballot. Through an oversight, section was not changed. That was the procedure when the ballot was made and in that section, and in that section alone, the provision for taking an oath was unchanged. That is all this bill does."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 276, An Act relative to justices of the Laconia municipal court. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this is one of a series of bills that raises salaries of justices of municipal courts. Salary of the justice raised from \$1800 to \$3000. Salary of Clerk raised from \$200 to \$500. This bill was approved by the Council. Was not considered seriously out of line."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 401, An Act relative to vicious dogs. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this is an amendment to the present law having to do with vicious dogs. It sets forth a procedure whereby after notice by an officer, what the owner may do with reference to such a dog. It gives the owner a little better chance to reply and gives the person making the complain a very definite course of action. It seems to clarify the procedure for the handling of vicious dogs."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 410, An Act granting zoning authority to the Kearsarge lighting precinct. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, the Kearsarge lighting precinct is located in the town of Conway. This bill gives it the executive power within its territorial limits to enact and enforce zoning procedures within the precinct. This is the application of the zoning law to this particularly precinct. No opposition and evidence was offered to support it."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 365, An Act changing classification of Lempster road. Report of the Committee on Public Works (Senator Bennett) : Ought to pass.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, this would reclassify a section of road about 1 and 2/3 miles in length in the town of Washington from class II to class V. This is one of the remaining sections of highway in the state that was classified as a class II state road, but never improved. This will reclassify the road to a class V highway. The highway department was in agreement and there was no opposition."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 99, An Act relative to the salaries of the members of the board of public works of the city of Laconia. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass with amendment.

Amend said bill by inserting after section 2 the following new sections:

3. *Councilman*. Amend section 15 of chapter 241 of the Laws of 1893, as amended by section 3, chapter 200, Laws of 1901, chapter 192, Laws of 1903, section 3, chapter 213, Laws of 1903, section 2, chapter 291, Laws of 1911, section 4, chapter 265, Laws of 1941 and chapter 323, Laws of 1951, by striking out the word "three" in the fourth and fifth lines and inserting in place thereof the word, four, so that said section as amended shall read as follows: Sect. 15. There shall be chosen biennially by and from the qualified voters of each of the several wards of said city one councilman to serve for the term of two years. Each city councilman shall receive a salary of four hundred dollars per year payable in four equal instalments.

4. *Mayor*. Amend section 14, chapter 241, Laws of 1893, as amended by section 3, chapter 265, Laws of 1941, and chapter 324, Laws of 1951, by striking out said section and inserting in place thereof the following: Sect. 14. The mayor of said city shall be chosen biennially, and shall have the same negative upon all the actions of the council as by the public statutes the mayors of cities are given upon the action of

aldermen. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In his absence the council may elect one of their number chairman, who shall have all the powers and perform all the duties of mayor during his absence or disability, or during a vacancy in said office from any cause. The salary of the mayor shall be sixteen hundred dollars a year, payable in four equal installments, which shall be in full for his services and expenses. The mayor shall receive no other compensation from the city for, or in connection with, his official duties.

Further amend said bill by renumbering section 3 to read section 5.

The report was accepted.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

The President recognized Senator Rainie:

"Mr. President, this bill has merely to do with the raising of salaries. It was modified by the Laconia delegation in the House and that is the effect of the amendment. The members of the board of public works will have an increase in salary. I think this whole thing is ridiculous, that we should be setting the salaries of people in Laconia, but that is the way they want to do it."

(Discussion ensued)

Senator Cleveland spoke against the bill, stating that this local salary matter should be decided by the City of Laconia and not the New Hampshire State Senate. The principal of Home Rule is squarely unsolved and we should face up to it.

Question being on the adoption of the amendment offered by the Committee on Ways and Means.

On a *viva voce* vote, the amendment was adopted.

The bill being on its second reading, was open to further amendment.

Senator Cleveland offered the following amendment:

1. Amend section 21 of chapter 241 of the Laws of 1893 as inserted by chapter 278 Laws of 1901 and chapter 453 of the Laws of 1955 by striking so much thereof as reads "The annual salary of each member of the board of public works of the city of Laconia shall be two hundred dollars."

2. The city council shall fix the salary of the members of the board of public works.

3. This act shall take effect upon its passage.

(Discussion ensued)

Senator Cleveland withdrew the above amendment.

Senator Rainie offered the following amendment:

Amend the title of the bill by striking out the title in its entirety and inserting in place thereof the following title: An Act relative to the salaries of the members of the board of public works, councilmen and mayor of the city of Laconia.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### House Message

The House of Representatives has voted to accede to the request of the Honorable Senate for the recall of the following entitled bill:

SB 109, An Act relative to hearings before the personnel commission.

### Reconsideration of Bill

On motion of Senator Bennett, the Senate voted to reconsider its vote whereby it passed SB 109, An Act relative to hearings before the personnel commission.

On further motion of the same Senator, the above entitled bill was laid upon the table and made a Special Order of Business for next Wednesday, May 29, at 11:01 o'clock.

### Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 82, An Act relative to the salaries of the treasurers of Rockingham and Sullivan counties, having considered the same, reported the same with the following recommendation:

That the House recede from its position of non-concurrence and concur with the amendment sent down by the Honorable Senate.

CECIL CHARLES HUMPHREYS,  
B. C. ADAMS,  
*Conferees on the Part of the Senate.*

GEORGE W. SHATTUCK,  
JAMES C. RATHBONE,  
JOHN A. PERKINS,

*Conferees on the Part of the House.*

On motion of Senator Adams, the Senate voted to adopt the Committee of Conference report on the above entitled bill.

### **Special Order of Business at 11:01**

HB 412, An Act relative to the police department of the town of Exeter.

Question being on the adoption of the committee report, Ought to pass.

The President recognized Senator Lamontagne:

“Mr. President, I was asked to make this a Special Order of Business for today. I believe that the information that the person wanted has been obtained.”

On a *viva voce* vote, the report of the committee was adopted, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, the Senate went into afternoon session, and when the Senate adjourns today, it be to meet next Monday morning at 10:00 o'clock.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 53, An Act relative to providing for an additional member of the state board of health.

SB 152, An Act providing for a study relative to budgets for co-operative school districts.

SB 164, An Act legalizing the special actions taken at the special meeting of Hopkinton school district, February 6, 1957, and authorizing certain indebtedness.

HB 99, An Act relative to the salaries of the members of the board of public works, councilmen and mayor of the city of Laconia.

HB 162 An Act relating to absentee voting.

On the above entitled bill, Senator Bennett requested the Journal to show that he wished to be recorded in opposition



to HB 162. He stated that he believed that we have gone far enough in extending privileges of absentee voting.

Senator Holmes stated that she wished to be recorded as being in opposition to the above entitled bill. Further stated: "I understand the change this bill makes. I believe that it is better than last year. I am in agreement with Senator Bennett. As it is now, I believe the law is too broad. I was opposed to the original law and I am still against it."

Upon explanation of the amendment by the Chairman of the Committee on Ways and Means, Senator Bennett withdrew his objection, as above.

Senator Adams stated that he was opposed to any further extension of the absentee voting law, and that he was in agreement with the thoughts expressed by Senators Bennett and Holmes.

HB 276, An Act relative to justices of the Laconia municipal court.

HB 401, An Act relative to vicious dogs.

HB 410, An Act granting zoning authority to the Kearsarge lighting precinct.

HB 412, An Act relative to the police department of the town of Exeter.

HB 365, An Act changing classification of Lempster road.

Senator Humphreys moved that the rules of the Senate be so far suspended as to permit a motion to change the title of the above entitled bill.

(Discussion ensued)

Senator Humphreys withdrew his motion.

On motion of Senator Bergeron, the Senate adjourned at 12:47, to meet next Monday morning at 10:00 o'clock.

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MONDAY, MAY 27, 1957

The Senate met at 10:00 o'clock.

### Leaves of Absence

Senator English requested leave of absence for the day on account of illness.

Senator Caron requested leave of absence for the week on account of serious illness.

Senator Provost requested leave of absence for the day on account of important business.

The above requests were granted by the Chair.

### **Introduction of Guests**

The President welcomed to the floor of the Senate, as the guests of Senator Packard, Mr. and Mrs. Raymond G. Castle and Mr. John McKeekan, all of New York State. Mr. Castle is here representing Governor Harriman and presenting the Grand Award won by New Hampshire for the best maple syrup at the New York State Maple Festival in competition with ten Northeastern states and the provinces of Ontario and Quebec in Canada. Mr. Castle is to present this award to Governor Dwinell this morning.

### **Introduction, First and Second Reading of Senate Bill**

SB 185, An Act to provide for payment of claims and judgments arising out of motor vehicle accidents caused by uninsured or unknown drivers.

Introduced by Committee on Rules.

Referred to Committee on Banks and Insurance.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 303, An Act relative to educational facilities for intellectually retarded children.

### **Introduction, First and Second Reading of House Bill**

HB 303 to the Committee on Education.

### **House Message (continued)**

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 82, An Act relative to the salaries of the treasurers of Rockingham and Sullivan counties.

The Committee of Conference, to whom was referred House Bill No. 82, An Act relative to the salary of treasurer of Rockingham County, having considered the same reported the same with the following recommendation:

That the House recede from its position of non-concurrence and concur with the amendment sent down by the Honorable Senate.

GEORGE W. SHATTUCK,  
JAMES C. RATHBONE,  
JOHN A. PERKINS,  
*Conferees on the Part of the House.*

CECIL CHARLES HUMPHREYS,  
B. C. ADAMS,  
*Conferees on the Part of the Senate.*

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 233, An Act relating to conduct after a motor vehicle accident.

### **Committee Reports**

SB 161, An Act relative to contracts for projects for the fish and game department. Report of the Committee on Finance (Senator Caron): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, at the present time, the laws of the State require contracts on all jobs in excess of \$10,000, except on an emergency basis. That means that doing any job by the force of the department is not permitted above the \$10,000. In the Fish and Game Department, there are many areas of construction where it has been found difficult to get contracts. In some cases, the actual cost of the contract has been somewhat in excess of \$10,000. This would permit the Fish and Game Department, upon permission of the Public Works and Highways Department and with the approval of the Governor and Council, to use their own employees to carry out contracts in excess of the \$10,000. This has the support of the administration and we are advised that the cost to the State will be much less in many cases."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 363, An Act relative to unemployment compensation for lease - purchase contract on behalf of the state for an office building for the division of employment security.

Report of the Committee on Finance (Senator Caron) : Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, some years ago, some of the Senators will probably recall that we authorized the construction of a new office building down near the Highway Garage which was to have been occupied in part by the Employment Security Administration. That particular project was of such magnitude and cost that it was never carried through. At the present time, the Employment Security Department requires additional space and the proposal under this bill is to construct a building at the present site of the offices of the Employment Security Administration with private capital which will be repaid by rent-lease purchase contract. The federal government provides monthly cost of amortization, etc. The only responsibility which the State has is to effect guarantee the payment of the so-called mortgage which would be on the property, only to the extent that there might not be sufficient funds advanced by the federal government to pay these costs. This is a very remote possibility. At the time it is necessary to amortize the building, the building will be owned by the State of New Hampshire. The federal government will maintain the building. We checked the responsibility of the State very carefully and we find that it has no effect on the bond issue of the State and it is an advantage to do it this way. Many other states have adopted the same procedure and the committee was thoroughly satisfied that it is a good bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 166, An Act relating to the board of approval for bonds of state employees and officials. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill takes the Insurance Commissioner out of the board of approval and adds in his place, the secretary of the Tax Commission. The Insurance Commissioner had no objection to be taken out and the Secretary of Tax Commission had no objection to taking his place."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 313, An Act relative to the salaries of the justice and clerk of the municipal court of Dover. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendment.

Amend the title of said bill by adding at the end thereof the words, and of the justice of the municipal court of Manchester, so that said title as amended shall read as follows:

An Act relative to the salaries of the justice and clerk of the municipal court of Dover and of the justice of the municipal court of Manchester.

Further amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Municipal Court.* Amend paragraph I RSA 502:7 (supp) as amended by 1955, 133:1; 182:1; 279:1; 296:1, by striking out the words "one thousand eight hundred dollars" in line 9 and the words "four thousand six hundred dollars" in line 5, and inserting in place thereof the words, two thousand five hundred dollars, and the words, five thousand five hundred dollars, so that said paragraph as amended shall read as follows:

I. Salaries of justices of municipal courts shall be paid from the treasury of the city or town in which such courts are located, may be paid quarterly or monthly, and shall be in the following sums per annum:

In Manchester, five thousand five hundred dollars;

In Nashua, three thousand dollars;

In Concord, three thousand five hundred dollars;

In Portsmouth, two thousand five hundred dollars;

In Dover, two thousand five hundred dollars;

In Laconia, one thousand eight hundred dollars;

In Keene, two thousand five hundred dollars;

In Claremont, two thousand three hundred dollars;

In Berlin, twenty-two hundred dollars;  
In Rochester, one thousand two hundred dollars;  
In Lebanon, one thousand five hundred dollars;  
In Newport, one thousand one hundred and fifty dollars;  
In Derry, nine hundred dollars;  
In Franklin, one thousand two hundred dollars;  
In Exeter, eight hundred dollars;  
In Somersworth, eight hundred dollars;  
In Littleton, eight hundred dollars;  
In Milford, six hundred dollars.

The report was accepted.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

The President recognized Senator Rainie:

"Mr. President, this bill is in line with quite a few other bills that have been passed through the Senate. The bill, as it came to us, raised the salary of the justice of the municipal court of Dover from \$1800 to \$2500 and increased the salary of the clerk of the Dover municipal court to \$1000. These are not very far out of line and seemed reasonable. The amendment to the bill has to do with another part altogether, and it has been suggested and voted by the committee as agreeable. The amendment changes the amount of the salary of the justice of the municipal court of Manchester from \$4600 to \$5500."

The President recognized Senator Packard:

"Mr. President, I hope the Senate goes along with the amendment. On this basis, if by chance the House should not concur, it would mean the appointment of the Committee of Conference, and if I should be fortunate enough to be named to that Committee of Conference, I would move that it be stricken off from the bill. This does not jeopardize the Dover raises."

The President recognized Senator Karkavelas:

"Mr. President, I wish to say that I will go along with the amendment as proposed by Senator Packard. I wish to state at this time that I hope that it does not in any way imperil the raises as given to our beloved city of Dover. I have every confidence that both the bill and the amendment will go through."

The President recognized Senator Daniel:

"Mr. President, the purpose of the amendment put in by the Committee on Ways and Means, as requested by Senator Packard, is due to the fact that the judge of Manchester handled 2184 cases and when computed, it figures about 90c per case. That is the reason for the amendment, to bring his salary up to a more appropriate figure."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Daniel, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of Bill**

The following entitled bill was read a third time, and passed:

HB 313, An Act relative to the salaries of the justice and clerk of the municipal court of Dover and of the justice of the municipal court of Manchester.

The President recognized Senator Adams:

"Mr. President, I rise to inquire if the Chair has decided over the week end just what that phrase 'and such will be the title of the bill unless otherwise ordered by the Senate' means?"

The President replied:

"Senator Adams, the Chair would say 'yes' that he has come to a conclusion in his own mind and also as to what courses are open to the Senate. However, I think after the Chair has stated the position, there will be considerable discussion on the subject, which the Chair would like to postpone until tomorrow morning."

### **Reconsideration of Bill**

On motion of Senator Rainie, the rules were suspended to reconsider its vote on:

HB 99, An Act relative to the salaries of the members of the board of public works, councilmen and mayor of the city of Laconia.

The President recognized Senator Rainie:

"Mr. President, the reason for this action is this — through a typographical error in the House, it was not noted that the amendments that we passed in the Senate had already been adopted by the House, and so we adopted them all over again, and so the purpose of this move is to reconsider the bill, to put it on its second reading, and remove the amendments that have been added thereto by the Senate."

On motion of Senator Rainie, the Senate voted to reconsider its vote whereby it passed the above entitled bill.

On motion of the same Senator, the Senate voted to reconsider its vote whereby it ordered the above entitled bill to a third reading.

On motion of the same Senator, the Senate refused to adopt the amendments offered by the committee to the above entitled bill.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Packard, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 161, An Act relative to contracts for projects for the fish and game department.

SB 166, An Act relating to the board of approval of bonds of state employees and officials.

HB 99, An Act relative to the salaries of the members of the board of public works, councilmen and mayor of the city of Laconia.

HB 363, An Act relative to unemployment compensation — for lease - purchase contract on behalf of the state for an office building for the division of employment security.

On motion of Senator Adams, the Senate adjourned at 10:40 o'clock to meet tomorrow morning at 11:00 o'clock.



TUESDAY, MAY 28, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed to the floor of the Senate, and as the guests of Senator Packard, the following members of Grade 7 of the Webster School in Manchester: Robert Arnold, Wesley Barbour, Larry Betts, Jonathan Brooks, Sharon Curit, Ronnie Coons, Marilyn Dishaw, Brooks Duffield, Douglas Campbell, Nancy Witcher, Richard Killkelly, Gary Sibulkin, Allen Wood, Pamela Colton, Danny Desrosiers, Gene Steinmetz, William Judkins, William Sweet, Gail Cloutier, Jimmy Parker, Wayne Easler, Andrew Kyriazis, Virginia Loranger, Suzanne Loranger, Virginia Leeman, Nancy Rousseau, Patty Evans, Shirley Janko, Corrine Currier, John Esser, Kendal Pierce, Gary Hermsdorf and Richard Boisclair, with their teacher, Miss E. O'Malley. Also Kathy Lord, Helen Taft, Judy Davison, Judy Bragg, Sylvia Hoffman, Gay Shattuck, Judy Arnold, Diane Payne, Peter Machinist, Dennis Donahue, Ralph Sidore, Steven Barlcin and James Monighetti, accompanied by their teacher, Miss Ruth Jones.

Also, the following members of Grade 8 of the Webster School in Manchester: Jeffry Bragg, Barbara Brewka, David Burton, Kenneth Burgess, Linda Colton, Connie Nassikas, Carrie Dickerman, Robert Dunham, Patty Coyne, Dottie Sutherland, Beverly Gaskell, Gail Fitzpatrick, Patty Pishnock, Arthur Grueter, Rhys Llewellyn, Jeanne Lackoff, Ellen Gray, Maureen Gray, William Duschatko, Robert Mears, Hallet Wright, Barbara Griffin, Gloria Wilcher, Mary MacRury, Janet Stone, Andrew Partridge, William Gould, Beatrice Martin, Cheryl Harrish, Rich Rutman, Elaine Glick, McCaffrey Michael, Craig Cloutier, Hugh Rostad and Sue Gelinas, with their teacher, Miss Mary Marchand. Also, Peter Baker, Normand Blow, Peggy Bodwell, Henry Bouchard, Marlene Boyca, Carolyn Bowen, Martin Bresnick, James Carleton, Marcia Dewyea, Carolyn Dishaw, Claude Fugere, Herve Garant, Kathleen Garfield, Kathy Gittleson, James Goulet, Priscilla Hartford, Steven Hoffman, Joe Krowlikowski, Collette Lavoie, Sandra Litvin, Bonnie McLane, Rudy Makara, Edwin Maxon, Polly Norton, Eileen Noyes, Roxanne Paradis, Sandy Pelletier, Dicky Perrault, Mary Priest, Richard Reische, James

Riley, Rosalie Root, Andrew Sanborn, Michael Spector, Brian Varkeis, JoAnn Wyman and Ronald Pinard with their teacher, Mr. Walter Mahan.

As the guest of Senator Karkevelas, his son William P., a student at Woodman Park School, Dover.

As the guest of Senator Horner, Mr. Fred Spoksfeld of Campton.

As the guest of Senator Packard, Major Creeley S. Buchanan of Amherst, aide-de-camp to Governor Dwinell.

### **Resolution**

On motion of Senator Daniel, the following resolution was adopted:

*Whereas*, we have learned with sincere regret of the serious illness of Senator Marye Walsh Caron of District No. 17, who is confined in the Sacred Heart Hospital in Manchester, therefore, be it

*Resolved*, That we, the members of the Honorable Senate, extend our sympathy in her illness and our very best wishes for a speedy recovery, and be it further

*Resolved*, That a copy of these resolutions be transmitted to Senator Caron.

### **Introduction, First and Second Reading of Senate Bill**

SB 186, An Act relative to the acceptance of federal aid for preservation of roadside scenery on the interstate highway system. Introduced by Senator Bennett.

Referred to the Committee on Public Works.

### **House Message**

The House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

HB 132, An Act establishing the militia.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2, *Repeal*. RSA 110 as amended by 1955, 40:1; 1955, 55; 1955, 70; 1955, 127 and 1955, 252, relative to the state militia is hereby repealed. Provided, however, that the repeal

of RSA 110: 93-97 and the reenactment of the same provisions as RSA 110-A:33-37 relative to appropriations for armories and the issuance of bonds therefor shall be construed as a continuance of the provisions of said RSA 110:93-97 as if no repeal and reenactment had taken place; it being the intention hereof that the provisions relative to said appropriation and the issuance of said bonds are a continuing provision and not an additional appropriation and nothing herein shall be construed as affecting the issuance of bonds under said RSA 110: 93-97 as reenacted as RSA 110-A 33-37.

On motion of Senator O'Brien, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

### Committee Reports

SB 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense. Report of the Committee on Engrossed Bills, under Joint Rule No. 6, with the following amendment:

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Student Nurses Immunity.* Amend paragraph (d) of RSA 107:12 by striking out the words "when engaged in training for civil defense and" and inserting in place thereof the words, or student nurses undergoing training at a licensed hospital in this state, so

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

HB 318, An Act relative to establishing a road through Wadleigh park in Sutton as a recreational road. Report of the Committee on Engrossed Bills, under Joint Rule No. 6, with the following amendment:

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1. *Road in Sutton.* Amend RSA 231:6 as amended by 1957, 99:1 by inserting after the word

Further amend said section 1 of said bill by striking out the last four lines and inserting in place thereof the follow-

ing: state park in the town of Newbury, and the road from Route 116, socalled, to Forest Lake State Park in the towns of Whitefield and Dalton. The cost of reconstruction and maintenance shall be a charge upon the highway funds. This section shall not be construed as affecting the control of the forestry and recreation department over parking areas or other facilities within said reservations.

On motion of Senator Rogers, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and captioned House joint resolution:

HB 121, An Act relating to municipal water works.

HB 162, An Act relating to absentee voting.

HB 233, An Act relating to conduct after a motor vehicle accident.

HB 365, An Act changing classification of Lempster road.

HB 410, An Act granting zoning authority to the Kearsarge Lighting Precinct.

HB 412, An Act relative to the police department of the town of Exeter.

SB 41, An Act relative to trustees of the Laconia State School.

HJR 44, House Joint Resolution providing for supplemental appropriation for recreation division of forestry and recreation.

HB 119, An Act prohibiting certain lights along a highway.

HB 123, An Act relative to the computation of tax on legacies and successions, where property is held jointly.

HB 284, An Act relative to the open season for taking fur-bearing animals.

HB 330, An Act relative to balloting for town manager.

SB 15, An Act relative to date of annual assessment in unincorporated places.

SB 54, An Act relative to dogs at large.

SB 92, An Act relative to certain transfers from the employees' retirement system to the firemen's retirement system.

SB 106, An Act relative to the salary of the sheriff of Strafford county.

SB 107, An Act relative to a special account for use by the fish and game director.

SB 132, An Act to authorize the state of New Hampshire to enter into a compact with the states of Maine and Vermont to establish a tri-state regional medical needs board.

SB 136, An Act relative to the acceptance of gifts to the state library for library purposes.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

### **Special Order of Business at 11:01 o'clock**

Senator Lamontagne called for the Special Order of Business.

Question being on the adoption of the amendment offered by Senator Adams to:

SB 74, An Act relative to the date for an annual town meeting.

The President recognized Senator Adams:

"Mr. President, I think I pretty well explained this amendment when I offered it last Wednesday, and which was also printed in the Journal of that date."

The President recognized Senator Humphreys:

"Mr. President, I introduced this bill at the request of three selectmen of the town of New Castle, who asked me to introduce a bill which would permit them to hold town meetings on Saturday. Before I introduced the bill, I spoke with several representatives of small towns, and interested people, and they seemed to think it would be a good thing, so I introduced the bill. At the hearing on the bill, no one appeared against it. A representative from the Tax Commission said they were for the bill. They said it should not be optional with the towns, as it would not be uniform, etc. I asked the Tax Commission to draw up an amendment which would not leave it optional to the towns, but which would make it the second Saturday in all cases. Then the question came up that the original bill had to do not only with town meetings, but it would also affect the presidential primary every four years. So I decided that we would have it cover both the town meeting

and the primary. I proposed that amendment to the Ways and Means Committee and as you know, it was reported out as ought to pass. It seemed to me that it was a happy circumstance. When it came in here, we had the Minnesota situation to consider. By making it the second Saturday, it would have also given us the disadvantage of being behind Minnesota. There seems to be a great deal of sentiment about not being second to Minnesota. Senator Adams' amendment made it the first Saturday instead of the second Saturday. That presented another problem of having it too early, because under that amendment, it would mean that it would, in some cases, fall from the 1st to the 7th, which would be cramping the time of the town officers. In order to meet all objections, I have drawn an amendment which would provide that it would be held on the Saturday immediately preceding the second Tuesday in March. What that would do would be to put our primary three days ahead of Minnesota in every instance. It would make our town meeting and primary day come on a date between the 5th and the 11th every year. I believe it would meet all objections and everyone would be taken care of by that amendment."

Senator Adams:

"Mr. President, in view of the amendment as explained by Senator Humphreys, I withdrew my amendment in favor of the amendment to be offered by him."

Senator Humphreys offered the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Town Meetings.* Amend RSA 39:1 by inserting after the word "on" in line 2 the words, the Saturday immediately preceding, so that said section as amended shall read as follows:

39:1. *Meetings, When Held.* A meeting of every town shall be holden annually on the Saturday immediately preceding the second Tuesday of March for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor.

2. *Election of Delegates.* Amend RSA 57:1 by inserting after the word "on" in line 1 the words, the Saturday imme-

diately preceding, so that said section as amended shall read as follows:

57:1. *Primary.* On the Saturday immediately preceding the second Tuesday in March each year when a president of the United States is to be elected, a primary shall be held for the election of delegates at large, alternate delegates at large, delegates and alternate delegates to the national conventions of the various political parties to be held to nominate party candidates for president and vice president of the United States.

*Declarations.* Amend RSA 57:6 by inserting after the word "on" in line 10 the words, the Saturday immediately preceding, so that said section as amended shall read as follows:

57:6. *Form.* Declarations of candidacy shall be in form as follows: "I ..... declare that I reside in ward ..... in the city (or town) of ..... county of ..... and state of New Hampshire, and am a qualified voter therein; that I am a registered member of the ..... party; that I am a candidate for election as delegate (or as alternate delegate or delegate at large or alternate delegate at large) to the national convention of the ..... party next to be held for the nomination of candidates of said party for president and vice president of the United States. I request that my name be printed as such candidate on the official ballot of the ..... party to be used in the primary to be held on the Saturday immediately preceding the second Tuesday of March next. I further declare that if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large) I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control. (Amended, 1953, 190:5, eff. May 28, 1953).

If the person desires to do so he may add to such declaration either of the following two statements: (1) "I am favorable to (insert the name of any person) as the candidate for said party for president, and I request that after my name upon the ballot shall be printed the words I am favorable to the nomination of (naming the same person) for president." (2) "I pledge myself, if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large), to

vote in said convention, whenever I shall vote, for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention, and I request that after my name upon the ballot shall be printed the words pledges to vote for the nomination of (naming the same person) for president." The words chosen by the candidates shall be printed upon the primary ballot following the name as requested. In the case of the second option, the pledge shall be printed upon the primary ballot as requested if such candidate for president files his written consent thereto with the secretary of state before the time for the filing of declarations expires, but not otherwise.

Sources: 1913, 167:5. PL 30:6. RL 38:6. 1949, 56:1, eff. Mar. 11, 1949. 1953, 190:5, eff. May 28, 1953.

3. *Effective Date.* This act shall take effect sixty days after its passage.

On motion of Senator Humphreys, the reading of the amendment was dispensed with.

Question now being on the adoption of the amendment offered by Senator Humphreys.

The President recognized Senator Karkavelas:

"Mr. President, as a devout, strong Republican, I wish to say that I wish to maintain the trend of the Republican Party in being the first State to hold the presidential primary. I am in favor of the amendment. I think it is important and I feel very strongly at this time that we have a potential presidential candidate in the person of United States Senator Styles Bridges, and I believe that he will be the favorite son of New Hampshire. He is a great statesman and Republican leader, and there is no doubt in my mind that he will be the favorite son of New Hampshire and will carry the nation's banner for President of the United States. This early presidential primary will give our Senator nationwide publicity to be followed by other states in his quest for the Republican nomination for President of the United States."

Senator Humphreys:

"Mr. President, I think it is well to recognize the matter of the publicity. I intended to mention that before. In the matter of voting late Saturday night and the newspapers not being



able to carry that news in the Sunday papers, I feel certain that we would get plenty of publicity on the radio and TV and we would be three days ahead of Minnesota and we would have three days' publicity before their votes come in. The small towns are certainly very well represented in the Legislature and if they are against this Saturday business, the House will act on it. I hope the bill will pass."

Senator Bennett:

"Mr. President, I wish to speak in support of the amendment offered by Senator Humphreys. It seems to me that this amendment, for the most part, takes care of any objection which I cited last week in speaking against the amendment offered by Senator Adams. However, there is only one stickler that is in my find.

The press is going to carry this news. I do not know if the Legislature is still in session in Minnesota, but I feel that there might be a chance of this problem recurring every two years. I will be delighted and happy to see this amendment offered by Senator Humphreys adopted."

Senator Lamontagne:

"Mr. President, I am in support of the amendment of Senator Humphreys. Also, in accord with Senator Adams and more than pleased to be in favor of what Senator Bennett has said. I am only hoping that after what Senator Karkavelas has said that we will still have a two party system."

Senator DeLude:

"Mr. President, I should like to rise in support of the amendment of Senator Humphreys. My own town felt very strongly in favor of town meeting being held on Saturday. And I believe by holding it on that day, it will at least give them an opportunity to vote on the taxes which they are compelled to pay, through the nose."

Senator Daniel:

"Mr. President, I rise in support of the amendment of Senator Humphreys. I wish to state at the present time that New Hampshire's early primary is a great asset to both Parties."

Question being on the adoption of the amendment offered by Senator Humphreys.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

**Special Order of Business — 11:02 O'Clock**

Senator Rainie called for the Special Order of Business.

Question being on the adoption of the amendment offered by Senator Adams to:

HB 45, An Act relative to appearance of police officers in civil or criminal proceedings.

The President recognized Senator Adams:

"Mr. President, as I explained last week when we discussed this matter, all this amendment would do would be to allow the court to deduct the cost of witness fees and cost of court, and the balance would then be forwarded to the state. I think it is very clear what this amendment seeks to do."

Senator Rainie explained to the Senate the reason for the introduction of the bill and what it seeks to accomplish as explained to the Committee on Ways and Means.

The President recognized Senator Packard:

"Mr. President, this is getting to be quite humorous. When this bill first came in, I was the one who objected to this bill. I believed it was a sleeper, when it passed this body four years ago. In essence, it was a lawyer's bill. After having read it and talked with Rae Laraba, I decided that was not the case and when the bill came back a second time, I supported the bill. After further study and discussion of this bill — it is very definite to me that individuals can still appear in police court for other individuals, which was in the bill four years ago. Now, we are going to try to kill the bill after it has been acted on favorably. I do believe that there is need of this legislation if statements made to me are correct."

Senator Cleveland:

"Mr. President, Senator Adams' amendment is perfectly sound. I do feel that the underlying bill, although not of vital importance, was a sound bill and I do believe that what Senator Adams is trying to do is the fact that this has to do with municipal courts. I would be very sorry to have the Senate turn back and kill the bill. I hope it passes and the amendment is adopted. It is true that in some small towns, they have

“roadside courts” etc. There is an assumption that some of these fines are taken as an automatic pay raise. Although this bill may not be very effective, I think it is worth a try. I am in support of the amendment and in favor of the passage of the bill as amended.”

Senator Rainie:

“Mr. President, I don’t want a great fuss about this matter. It is of no interest to me. I have examined this bill two years ago and we tried to work out a plan with the assistance of Robert Upton, but the House killed the bill. The purpose of this bill was to forbid police officers taking money on the road. I believe that no officer has any right to take money on the road in any event under our law. I was interested in this bill. In our police work here in Concord, the clerk may receive money in payment of fines, etc. I have no interest in this bill whatever, except as far as good legislation is concerned. I believe it is useless legislation.”

Senator Humphreys stated that he was in favor of the passage of the bill with the proposed amendment.

Question being on the adoption of the amendment offered by Senator Adams.

On a *viva voce* vote the amendment was adopted.

Senator Packard moved that the above entitled bill be re-committed to the Committee on Judiciary.

Senator Cleveland spoke against the motion. But amended the above motion to recommit to the Committee on Ways and Means.

Senator Packard replied that this amendment to his motion was acceptable.

Senator Adams urged that the Senate vote on this bill at the present time. Either pass it or kill it. Against the motion to recommit.

Senator Humphreys spoke in opposition to the motion to re-commit.

On a *viva voce* vote, the negative prevailed, and the motion to re-commit was lost.

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o’clock.

The President recognized Senator Cleveland:

“Mr. President, I wish to have the record show that in answer to questions on this bill, I specifically stated as Chairman of the committee it is our opinion that there is nothing in the present law or this law as amended that will forbid someone from mailing a fine into municipal court, either by telephone arrangements or written approval with the judge of that court. I wish to make that clear.”

On motion of Senator Lamontagne, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 74, An Act relative to the date for an annual town meeting.

HB 45, An Act relative to appearance of police officers in civil or criminal proceedings and payments and disposition of fines.

The President recognized Senator Adams:

“Mr. President, I would like to inquire if the Chair would care to state at this time what he means on third reading of bills when he says ‘such will be the title of the bill unless otherwise ordered by the Senate?’”

The Chair announced that it is rather a long and involved statement, and in view of the fact that many members of the Senate have committee hearings coming up, etc., he would appreciate having this discussion at some other time.

Senator Adams withdrew his motion.

On motion of Senator Adams, the Senate adjourned at 12:56 o'clock.

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WEDNESDAY, MAY 29, 1957

The Senate met at 11:00 o'clock.

#### **Introduction of Guests**

The President welcomed to the Senate seven members of the General Assembly of the Republic of Korea who, through their interpreter Mr. H. H. Kim, were introduced to the mem-

bers of the Senate. One member of the group, Mr. Pang-Yong Song, through the interpreter, Mr. Kim, briefly addressed the Senate.

Also, as the guest of Senator Karkavelas, attorney Donald Bryant of Dover.

### **Introduction, First and Second Reading of Senate Bill**

SB 187, An Act providing for the acquisition of Lake Shore Park in Gilford.

Introduced by Senator Rogers.

Referred to the Joint Committee on Finance and Resources, Recreation and Development.

### **House Message**

The House of Representatives has passed the following bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 112, An Act relative to compensation of third member of appeals tribunal in public construction contracts.

HB 219, An Act relative to payment of licensing fees for dogs, and to killing unlicensed dogs.

HB 374, An Act relative to interest charges on judgments or awards in certain civil cases.

HB 379, An Act relative to preparing and distributing a peace officer's manual.

HB 389, An Act to provide for the establishment of insect and pest control districts.

HB 390, An Act relative to appointment of a chief of police.

HJR 36, Joint Resolution for the protection of the Old Man of the Mountain.

### **First and Second Reading of House Bills**

HB 112 to the Committee on Labor.

HB 219 to the Committee on Ways and Means.

HB 374 to the Committee on Judiciary.

HB 379 to the Committee on Ways and Means.

HB 389 to the Committee on Judiciary.

HB 390 to the Committee on Ways and Means.

HJR 36 to the Committee on Resources, Recreation and Development.

**House Message (continued)**

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 99, An Act relative to the salaries of the board of public works, councilmen and mayor of the city of Laconia.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate.

SB 113, An Act providing for town advisory committee.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 122, An Act authorizing administrators or executors, with the assent of heirs or devisees, to mortgage real estate.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled House and Senate Bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate.

HB 400, An Act relative to establishment of a board of institutions, corrections and hospitals.

Amend section 4 of said bill by striking out the first two lines and inserting in place thereof the following:

4. *Authority over Institutions.* Amend RSA 10:1 by inserting after the word "ultimate" the word, executive, and by striking out the second sentence so that said section as amended shall read as follows: 10:1. *Governor and*

On motion of Senator DeLude, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

SB 61, An Act relative to transfer of unclaimed ticket money from horse racing to general funds.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Horse Racing.* Amend RSA 284:31 by striking out the word "three" in the ninth line and inserting in place thereof the word, two, and by adding at the end of said section the words, provided, however, that all pari mutuel pool tickets issued during the racing season of 1954 may be redeemed if presented to the commission on or before the first Monday in December of 1957, so that said section as amended shall read as follows:

On motion of Senator DeLude, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

The message further stated that the House of Representatives has voted to nonconcur with the Honorable Senate in its amendment to the following entitled bill, sent down from the Honorable Senate, and asks for a Committee of Conference.

HB 313, An Act relative to the salaries of the justice and clerk of the municipal court of Dover and of the justice of the municipal court of Manchester.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Green of Manchester, Dunnington of Dover, and King of Manchester.

On motion of Senator Packard, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Packard and Daniel.

The Chair announced that he would excuse Senators Packard and Daniel in order that they might attend a meeting of the Committee of Conference on HB 313, An Act relative to the salaries of the justice and clerk of the municipal court of Dover and of the justice of the municipal court of Manchester.

### **Committee Reports**

HB 369, An Act providing a special season for taking black bass with artificial flies only.

Report of the Committee on Fisheries and Game (Senator Rhodes): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Rhodes:

“Mr. President, the Fish and Game Committee held two public hearings on this bill. At the first hearing, no one appeared. At the second hearing, a very few appeared, and their opinions were evenly divided. It was felt that if any change in this law was needed, the people could appear before the Fish and Game Commission, which will be meeting within the next few weeks, and make the request of them.”

On a *viva voce* vote, the resolution of the Committee, Inexpedient to legislate, was adopted.

HB 377, An Act relative to investigation of subversive activities. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted, and the bill was referred to the Committee on Finance, under the rules.

### Committee Reports (continued)

SB 98, An Act providing that each town and ward shall have representation in the House of Representatives at each session of the legislature. Report of the Committee on Judiciary (Senator Humphreys): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland:

“Mr. President, the committee did not express any particular opinion on the merits of this bill, but due to the Supreme Court’s decision that the important issues of the bill are unconstitutional, the committee thought it better to dispose of this matter in this way.”

On a *viva voce* vote, the resolution of the committee, inexpedient to legislate, was adopted.

SB 144, An Act to establish the town of West Lebanon from a part of the territory of the town of Lebanon. Report of the Committee on Judiciary (Senator Humphreys): Inexpedient to legislate.

The report was accepted.

The President recognized Senator Cleveland:

“Mr. President, my remarks on this are quite lengthy and do not necessarily have to be put in the Journal.”



Senator Cleveland spoke in favor of the adoption of the resolution of the committee.

Senator Bennett spoke in support of the adoption of the resolution of the committee, and reserved the right to have his remarks extended to Tuesday's Journal.

(Senator Rogers in the Chair)

The President recognized Senator Lamontagne:

"Mr. President, I rise against the committee report. My reason is this. In the committee, I had expressed my feelings that there were two sides to this story and that I favored very, very much a referendum. I do not think I will go into any more details in this matter. There was a minority report going to be presented, but I withdrew it, thinking that people might think it was a Party issue. This is not a Party issue and that is why I withdrew the minority report."

Senator Adams moved that the words, Ought to pass with amendment, be substituted for the words, Inexpedient to legislate.

Senator Adams spoke in favor of his motion, as follows:

"I have listened to the remarks of Senators Cleveland and Bennett and I believe they have offered their remarks in all sincerity and I subscribe to most of their remarks. I sympathize with the position of Senator Cleveland in having to go against what appears to be a 'home rule' bill after his many expression of his feelings on 'home rule.' I think this question should be decided by the people of Lebanon and West Lebanon at their next town meeting, and the result to be forwarded to the next session of the General Court for such action as may be appropriate. This takes no step that cannot be taken back. At this time, I do not believe that we have a complete story as to whether the people wish to take this step or not. I believe that this would be of great value to the next session of the General Court."

Senator English:

"Mr. President, as I understand it, the population of West Lebanon is about 25% of that of Lebanon. In that event, having a referendum would be very unlikely to benefit the people of West Lebanon."

Senator Adams:

"That may be the case, but this should be a question for

the people there to decide. My amendment strikes out all of the original bill. It merely puts this up to referendum. The purpose of this amendment would be to report back the results of the two separate balloting places.”

Senator Cleveland:

“Mr. President, in view of the fact that this proposed amendment was never proposed as such to the Judiciary Committee, although there was some talk about a referendum, that voted referendum would have been one held only in West Lebanon. This referendum proposal is one that would poll the entire town at regular voting time and no extra expense involved, I believe some of the committee might like to reconsider their position. We could either have a meeting of the Judiciary Committee or make it a Special Order of Business for next Tuesday. I think it is hardly fair to the committee or to the committee chairman to bring an amendment of this type on the floor without the committee members having had time to consider it. I would ask for a Recess for the Judiciary Committee to meet in executive session and the committee will then have an opportunity to study the amendment.”

Senator Packard:

“I have no objection to a short recess, but we have quite a few other bills to take care of. I would hope that it would not be for long.”

Senator Rainie:

“I sympathize with Senator Packard. I think a recess of any length is unjustified and I question the necessity for this at all. I would think that 10 minutes would be ample.”

Senator Cleveland requested a recess of 10 minutes.

Senator Ferguson moved that the Senate be in recess for 10 minutes and 10 minutes only.

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

(Recess)

The Senate re-assembled.

Question being on the adoption of the motion of Senator Adams that the words Ought to pass with amendment, be substituted for the words, Inexpedient to Legislate.

Senator Cleveland moved that the pending motion, committee report, etc., be re-committed to the Committee on Judiciary. He stated that this was the unanimous vote of the Judiciary Committee that the bill was inexpedient to legislate.

Senator Holmes corrected Senator Cleveland in his statement that this was the unanimous vote of the Judiciary Committee, stating that she had *not* so voted.

Senator Rainie spoke in opposition to this motion to re-commit, stating:

"I feel that this whole project is just a disgrace as far as the State of New Hampshire is concerned, to think of splitting up a town, etc. Instead of shilly-shallying around here, something constructive should be done. I don't see how anybody can consider this proposed referendum is going to do anything other than humor. The vote is going to be, generally speaking, three to one against any referendum. We have a duty here to perform, in my opinion, and as far as I am concerned, I am prepared to perform it today."

Senator English:

"I share the views of Senator Rainie. I have checked and confirmed what Senator Adams has said — the population of West Lebanon is 1198 and that of Lebanon is 4438. I am in favor of getting on with the business."

Senator DeLude:

"Mr. President, I am in support of the motion of Senator Cleveland. I too feel that we have a duty to perform here today, but I would like to remind this body that two years ago when Hillsborough County came here and said that the small towns in that County had no representation, etc., the Legislature provided for that in re-districting by way of electing the County Commissioners. I understand that West Lebanon has been abused and quite strongly. I see no difference between small towns in Hillsborough County and West Lebanon. I strongly urge the Senate to support this motion to re-commit."

Senator Adams:

"Mr. President, I am in support of the motion of Senator Cleveland. I see no reason to deny them this privilege."

Senator Karkavelas:

"Mr. President, as a member of the Judiciary Committee, I would go along with this motion. I believe that this amendment, drawn up today was unknown to the Senator who represents that district, and I do hope that the illustrious Son of Lebanon, who happens to be the Governor, Lane Dwinell, will appear at that time and tell the committee just what he wants done up there in his native town."

Senator Lamontagne spoke in favor of the motion of Senator Cleveland.

Senator Bennett:

"Mr. President, I have no particular objection to the committee taking this back and accomplishing something, but I believe that the town of Lebanon can take that action itself. Even if ordered to a referendum, it is not going to add one single bit of information that we haven't already got. The real purpose of this amendment is to keep this pot churning for two weeks, two years perhaps, and to throw a cloud, etc. The whole purpose of this is to defeat that bill. I believe the amendment is ridiculous."

Senator Lamontagne moved the previous question.

Seconded by Senator Rainie.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Question now being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Question being on the adoption of the motion of Senator Cleveland that the bill be recommitted to the Committee on Judiciary.

On this question, Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Cleveland, DeLude, Rhodes, Paquette, Packard, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Anderson, English, Holmes, Rainie and Merrill.

Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative pre-

ailed, the motion carried, and the bill was recommitted to the Committee on Judiciary.

HB 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with a seeing eye dog or white cane on crosswalks. Report of the Committee on Transportation (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator Packard:

"Mr. President, this bill does just about what it says. It is a bill or an act to add to the present law, which says that a vehicle must stop for a blind person with a white cane. This adds with a seeing eye dog."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 285, An Act relative to the misuse of motor vehicle number plates. Report of the Committee on Transportation (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator Packard:

"Mr. President, this bill, again, is not too important business. It arises from a situation in Portsmouth where there were a number of vehicles driving around that area. It seems that they started to misuse their out of state plates. They were being transferred from one car to another and there was the question of whether the Motor Vehicle Commissioner of New Hampshire had the right of jurisdiction over these out of state plates. This gives the commissioner the same jurisdiction as he has over the local state plates."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 278, An Act relative to special parking privileges for persons with so-called walking disability. Report of the Committee on Transportation (Senator Lamontagne): Ought to pass.

The President recognized Senator Packard:

"Mr. President, this again is a bill which gives disabled persons the same right as an amputee or veteran who is disabled — the right to park in certain areas for unlimited time,

contrary to usual parking regulations. This was supported by the commissioner. No opposition. It was felt that this was good legislation. They will be given a special tag by the commissioner to be put on their car."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 283, An Act relative to carrying certain passengers in trucks. Report of the Committee on Transportation (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator Packard:

"Mr. President, this bill came about as a situation of trucks transporting children in recreational areas. It seemed that there were a few camps who did not observe the full intent of the law. This gives the commissioner the right to regulate open trucks which are carrying children at these recreational areas. No opposition. It just authorizes the commissioner to make these rules and regulations."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of said projects. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, at the present time, there is a law which compels, in due course, the regulation of sewage and the stopping of the pollution of water by sewerage. This puts it on a compulsory basis. The federal government has made available about \$250,000 for this pollution trouble. Some of the towns are looking forward to getting some of that money and wish to apply quickly in order to get their share."

The Chair referred the above entitled bill to the Committee on Finance, under the rules.

HB 360, An Act relative to appropriations for capital improvements or the issuance of bonds in the city of Laconia.

Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

The report was accepted.

The President recognized Senator Rainie:

"Mr. President, this bill merely provides that the city government of Laconia must advertise public hearings on all appropriation for capital improvements and the issuance of bonds in the city. This has not been a provision of their local government and it brings this city into line."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 165, An Act relating to purchase of liability insurance under a fleet policy. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass.

The report was accepted.

The President recognized Senator Cleveland:

"Mr. President, this bill means that when buying a fleet policy, they must have not only the consent of the special board, but must also have the board's approval."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

SB 183, An Act relative to duties of the legal counsel to the Senate. Report of the Committee on Rules (Senator Lamontagne) : Ought to pass.

The report was accepted.

The President recognized Senator Lamontagne:

"Mr. President, the hearing on this bill was heard only this morning. No one appeared either for or against this bill. This bill has to do with the Senate Counsel. It is simply in regard to the status of the Senate Counsel."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

SB 42, An Act relative to defective delinquents at Laconia State School. Report of the Committee on Public Health, Welfare and State Institutions (Senator DeLude.: Ought to pass with amendment.

Strike out all after the enacting clause and insert in place thereof the following:

1. *Laconia State School.* Amend RSA 171:10 (supp) as inserted by 1955, 314, by striking out said section and inserting in place thereof the following:

171:10. *Defective Delinquents.* Until such time as proper housing and staff facilities have been provided at Laconia State School for the detention, care and rehabilitation of defective delinquents, whenever any mentally deficient person at the school demonstrates, in the opinion of a majority of the trustees, by his or her conduct that he or she has or may seriously injure or endanger the property or other persons of the school, the trustees may, through the office of the attorney general, file a petition with the superior court, stating the method of original committal and requesting the transfer of said person to some other state institution. Such petition shall fully set forth the grounds upon which such transfer is sought.

2. *Laconia State School.* Amend RSA 171 by adding after section 10 the following new section:

171:10-a. *Procedure.* The attorney general shall present such petition to any justice of the superior court at any time and the justice shall forthwith fix a time and place for hearing; and shall make such orders relative to the giving of notice thereof as may be proper. Immediately upon the filing of said petition, and pending hearing and disposition of the matter, the justice upon the allegations contained in the petition and upon the representation of the attorney general shall make such orders relative to the detention and custody of the mentally deficient person as shall appear to him to be in the best interest of the public; and he may order such person transferred to and detained at another state institution. Upon hearing the superior court shall make such orders relative to the permanent detention of the mentally deficient person as shall be deemed proper. The proceedings hereunder relative to the fixing of a time and place for hearing, and to the mak-



ing of orders for detention and custody pending hearing and disposition, disposition, shall have priority over any other business in the superior court.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

On motion of Senator DeLude, the reading of the amendments was dispensed with.

The President recognized Senator DeLude:

“Mr. President, I had more or less bound my committee and myself to a committee report on this bill today. In view of the fact that we held such a long hearing yesterday, and it was five o'clock when we adjourned and there was no one here to give the committee report to and in order to keep my word, I am asking the suspension of the rules in order to bring this committee report in today.”

Senator DeLude explained the amendment in detail, stated that the committee felt that it was a good bill as amended and urged the support of the Senate in adopting the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 313, An Act relative to salaries of the justice and clerk of the municipal court of Dover, having considered the same, reported the same with the following recommendation:

That the Senate recede from its position in the adoption of its amendment and concur with the House in the passage of the bill.

NORMAN A. PACKARD,  
PAUL H. DANIEL,  
*Conferees on the Part of the Senate.*  
SAMUEL GREEN,  
THOMAS C. DUNNINGTON,  
JOHN W. KING,  
*Conferees on the Part of the House.*

On a *viva voce* vote, the report of the Committee of Conference was adopted.

**Special Order of Business at 11:01 A. M.**

Senator Bennett called for the Special Order of Business.

Question being on the passage of SB 109, An Act relative to hearings before the personnel commission.

Senator Bennett moved that consideration the above entitled bill be indefinitely postponed.

Senator Bennett:

"Mr. President, my purpose in so moving is that I have some grave reservations as to the desirability and need of giving the state personnel commission such a sweeping authority as subpoena power. As I believe Senator Rainie stated, it would not be compulsory for employees to testify against other employees — however, the intent is there. I think the subpoena power is necessary in some departments, but not here."

Senator Cleveland:

"Mr. President, I believe that this bill was introduced by me for the commission involved and certainly the Senate is entitled to the other side of the story. It is impossible for the personnel commission to conduct a proper hearing without the proper power to conduct the hearing, and they found that their work was difficult, if not impossible. Fourteen other commissions have subpoena power. This bill would permit the personnel commission to better perform their duties."

Senator Karkavelas spoke in opposition to the motion of Senator Bennett.

Senator Packard spoke in support of the motion of Senator Bennett.

Senator DeLude spoke in opposition to the motion of Senator Bennett.

Senator Rainie spoke in opposition to the above motion.

Senator Adams spoke in favor of the motion.

Question being on the motion of Senator Bennett, to indefinitely postpone the bill.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question being on the passage of the bill.

On a *viva voce* vote, the affirmative prevailed, the bill was passed.

### Concurrent Resolution

On motion of Senator Bergeron, the following Concurrent Resolution was introduced.

### Concurrent Resolution

*Whereas*, it is of utmost importance to the welfare of this nation that the youth of this state be given recognition for their outstanding achievements and be encouraged to prepare themselves for their responsibilities, and obligations as citizens of this great nation; and

*Whereas*, the legislatures of several states have adopted resolutions designating October 31 of each year as Youth Honor Day, which is appropriately observed in honor of the youth of this nation; and

*Whereas*, the Youth Honor Day program has been of tremendous benefit to the youth of America by providing them with the opportunity to assume the responsibility of governing the conduct of the members of their own group; and

*Whereas*, the adoption of the Youth Honor Day program would prove very beneficial not only to the youth but also to all the people of this State; therefore, be it

*Resolved*, by the Senate of the State of New Hampshire, the House concurring, respectfully request the Governor to issue a proclamation designating October 31 of each year as Youth Honor Day; that the people of this State be urged to actively participate in the observance of this day; and that a suitable copy of this resolution be forwarded to the Governor, the Honorable Lane Dwinell.

The Chair referred the above Concurrent Resolution to the Committee on Military and Veterans' Affairs.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bill:

HB 132, An Act establishing the militia.

HB 401, An Act relative to vicious dogs.

HB 82, An Act relative to the salaries of the treasurers of Rockingham and Sullivan Counties.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

On motion of Senator Provost, the Senate went into afternoon session, and when the Senate adjourns today, it be to meet next Tuesday morning at 11:00 o'clock.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 42, An Act relative to defective delinquents at Laconia State School.

SB 165, An Act relating to purchase of liability insurance under a fleet policy.

SB 183, An Act relative to duties of the legal counsel to the Senate.

HB 278, An Act relative to special parking privileges for persons with so-called walking disability.

HB 283, An Act relative to carrying certain passengers in trucks.

HB 285, An Act relative to the misuse of motor vehicle number plates.

HB 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with a seeing eye dog or white cane on crosswalks.

HB 360, An Act relative to appropriations for capital improvements or the issuance of bonds in the city of Laconia.

On motion of Senator Packard, the Senate voted to reconsider that part of the motion whereby the Senate voted to meet next Tuesday morning, at 11:00 o'clock.

On motion of the same Senator, the Senate voted to meet next Monday, June 3, at 10:00 o'clock.

On motion of Senator Lamontagne, the Senate adjourned at 1:57 o'clock to meet next Monday morning at 10:00 o'clock.

MONDAY, JUNE 3, 1957

The Senate met at 10:00 o'clock.

There being manifestly no quorum present, the President declared the Senate adjourned until Tuesday morning at 11:00 o'clock

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TUESDAY, JUNE 4, 1957

The Senate met at 11:00 o'clock.

### Leave of Absence

Senator Caron requested leave of absence for the week on account of illness. This request was granted by the Chair.

### Introduction of Guests

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator DeLude, Mr. Franklin Van Vliet of Penacook.

As the guests of Senator Humphreys, his sister Mrs. Julia H. White of Portsmouth, and Mrs. Lois Ann Davis of New Castle.

As the guests of Senator Horner, the students of the 8th grades of the Campton schools in charge of teachers Miss Beauchemin and Mrs. Palmer.

### House Message

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

SB 55, An Act relative to the practice of chiropody.

SB 82, An Act relative to salaries of the justice and special justice of the Nashua municipal court.

The House of Representatives has voted to concur with the Honorable Senate in its amendment to the following entitled bill:

HB 45, An Act relative to appearance of police officers in civil or criminal proceedings and payment and disposition of fines.

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

HB 318, An Act relative to establishing a road through Wadleigh park in Sutton as a recreational road.

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 91, An Act relative to interstate compact on mental health.

Amend RSA 135-A:5 as inserted by section 1 of the bill by inserting after the word "family" in the second line the words, or guardian, and by adding at the end of said section the words, or doctor's commitment, so that said section as amended shall read as follows:

135-A:5 *Approval by Court.* The compact administrator is hereby directed to consult with the immediate family or guardian of any proposed transferree and, in the case of a proposed transferee from an institution in this state to an institution in another party state, to take no final action without approval of the probate court or doctor's commitment.

On motion of Senator DeLude, the reading of the amendment was dispensed with.

On further motion of the same Senator, the Senate voted to non-concur in the adoption of the amendment to the above entitled bill sent up from the House of Representatives, and requests that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such Committee on the part of the Senate, Senators DeLude and Paquette.

### **Opinion from Supreme Court**

*To the Honorable Senate:*

The undersigned Justices of the Supreme Court submit the following answer to the question contained in your resolution filed May 9, 1957, with reference to Senate Bill No. 129,

entitled "An Act relative to the federal aid highway act of 1956."

Under the proposed bill the State will pay the cost of relocating utility facilities necessitated by the construction of the "national system of interstate and defense highways" under the Federal-Aid Highway Act of 1956, on a matching basis. The bill provides that the utility shall relocate its facilities whenever it is determined by the Commissioner of Public Works and Highways that it is necessary to do so under the Federal-Aid Highway Act of 1956. The bill specifically provides "that the state shall reimburse the owner of such utility facilities for the cost of such relocation as a part of the cost of such construction or reconstruction." The bill defines utility and cost of relocation exactly as defined in s. 111 (b) and (c) of the Federal-Aid Highway Act of 1956, which reads in part as follows:

"Sec. 111. Relocation of Utility Facilities.

(a) Availability of Federal Funds for Reimbursement to States. — Subject to the conditions contained in this section, whenever a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project: *Provided*, That Federal funds shall not be apportioned to the States under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State.

"(b) Utility defined. — For the purposes of this section, the term 'utility' shall include publicly, privately, and cooperatively owned utilities.

"(c) Cost of Relocation Defined. — For the purposes of this section, the term 'cost of relocation' shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility."

Utility facilities are located within public highways with permission and license and are subject to reasonable regu-

lation and control under the police power. *Bourget v. Company*, 98 N. H. 237; RSA 254:19-23. Consequently, utilities are required to relocate their facilities at their own expense whenever public health, safety or convenience require change to be made. *Detroit Edison Co. v. Detroit*, 332 Mich. 348; *Jamaica Water Supply Co. v. New York*, 280 App. Div. 834, *aff'd* 305 N. Y. 560; 12 McQuillin, *Municipal Corporations* (3rd ed.) ss. 34.74, 34.77. There “ . . . has been no dissent from the common law rule as enunciated by numerous courts that, in the absence of a clear statutory mandate shifting the burden to the State, utilities are obliged to relocate at their own expense their facilities located in public highways when required to facilitate highway improvements.” Public Utility Relocation Incident to Highway Improvement, House Document 127, p. 57 (84th Cong. 1st Session 1955). See also, RSA 254:23.

While the obligation to remove or relocate utility facilities is placed on the owner by the common law, the Legislature may change this rule. *New York City Tunnel Authority v. Consolidated Edison Co.*, 295 N. Y. 467. This principle was expressed in the recent *Opinion of the Justices*, — Me. —, decided May 6, 1957 as follows: “The State, however, may, in our view, pay for the cost of relocating such facilities, if it chooses to do so. The purpose of such expenditures is public in nature, and the extent and conditions under which the State may meet such costs are for the Legislature to determine.” The common-law rule which places the costs of relocating utility facilities on the owner “specifically admits of legislative change.” Relocation of Public Utilities Due to Highway Improvement — An Analysis of Legal Aspects, Highway Research Board Special Report 21, p. 40 (1955). If the Legislature decides to make such a change it would not be a violation of our Constitution, Part II, Article 5th or Part I, Article 10th. *Springfield v. Springfield St. Ry. Co.*, 182 Mass. 41; *Westchester Electric R. R. v. Westchester County Park Commission*, 255 N. Y. 297. See *Opinion of the Justices*, 88 N. H. 484,490.

New Hampshire Constitution, Part II, Article 6-a reads as follows: “[Use of Certain Revenues Restricted to Highways.] All revenue in excess of the necessary cost of collection and administration accruing to the state from registration fees, operators’ licenses, gasoline road tolls or any other



special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels shall be appropriated and used exclusively for the construction, reconstruction and maintenance of public highways within this state, including the supervision of traffic thereon and payment of the interest and principal of obligations incurred for said purposes; and no part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever." The principal question raised by the bill is whether reimbursement for costs of relocating utility facilities may be authorized out of the revenues specified in Article 6-a, *supra*.

The recent *Opinion of the Justices*, — Me. — returned May 6, 1957, holds that reimbursement can be made from general funds but expressed divided views as to whether reimbursement can be made from revenues restricted by their Constitution. It is to be noted that we have previously taken a broader view of what constitutes a highway purpose under our constitutional amendment than is the case in Maine. In *Opinion of the Justices*, 94 N. H. 501, 504, it was held that funds restricted by this amendment could be used to build or maintain off-street parking areas. "The obvious purpose and effect of the establishing of such parking areas is to remove parked cars from the highways and we are clearly of the opinion that this is a highway purpose within the meaning of article 6-a." *Id.* In this state we have never considered a highway purpose to be limited solely to the transportation of persons and property on the highways. "The public easement includes all reasonable modes of travel and transportation which are not incompatible with the proper use of the highway by others. *Graves v. Shattuck*, 35 N. H. 257, 265. It is not restricted to the transportation of persons or property in moveable vehicles (*Cater v. Telephone Exchange Co.*, 60 Minn. 539, 544) but extends to every new method of conveyance which is within the general purpose for which highways are designed." *State v. Scott*, 82 N. H. 278, 279. To the same effect see *American Loan & Trust Co. v. General Electric Co.*, 71 N. H. 192, 200.

In view of the plenary power of the State over its highways, it may allow the location therein of any facilities not inconsistent with the superior rights of the traveling public. 10 McQuillin, *Municipal Corporations* (3rd ed. ) s. 30.44. As

science develops highways may be used for any improved methods for the transmission of persons, property, intelligence or other means to promote sanitation, public health and welfare. Such use of the public highways constitutes a proper highway purpose even though it may be new and is subordinate to the primary use of the highways for the traveling public. *Hobbs v. Long Distance Tel. & Tel.*, 147 Ala. 393; Relocation of Public Utilities Due to Highway Improvement — An Analysis of Legal Aspects, Highway Research Board Special Report 21, pp. 10, 12 (1955). The relocation utility facilities is an integral part of highway improvements. The Legislature, if it chooses to do so, may validly declare that the relocation of utility facilities is part of the cost of highway relocation and reconstruction and shall be paid out of highway funds.

The answer to the question transferred is no.

FRANK R. KENNISON

LAURENCE I. DUNCAN

AMOS N. BLANDIN, Jr.

EDWARD J. LAMPRON

STEPHEN M. WHEELER

May 31, 1957.

### **Introduction, First and Second Reading of Senate Bills**

SB 188, An Act relative to the sewerage system in the town of Hampton. Introduced by Committee on Rules.

Referred to the Committee on Public Health, Welfare and State Institutions.

SB 189, An Act providing limitations on rate of interest on loans of over three hundred dollars. Introduced by Committee on Rules.

Referred to Committee on Banks and Insurance.

### **Committee Reports**

HB 276, An Act relative to justices of the Laconia municipal court. Report of the Committee on Engrossed Bills (Senator Horner): Report the same under Joint Rule No. 6, with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 *Laconia Municipal Court.* Amend RSA 502:7, I (supp) as amended by 1955, 133:1, 182:1, 296:1, 1957, 66:1, 1957, 83:1, 1957, 108:1 and 1957, 125 by striking out the words "In Laconia, one thousand eight hundred dollars" and inserting in place thereof the words, In Laconia

Further amend said section 1 by striking out the words "two thousand five hundred" after the words "In Portsmouth" and inserting in place thereof the words, three thousand.

Further amend said section by striking out the last line of said section and inserting in place thereof the following:

In Hampton, one thousand dollars;

In Milford, six hundred dollars;

In Haverhill, eight hundred dollars;

In Salem, one thousand dollars.

Amend section 2 of said bill by striking out the first three lines and inserting in place thereof the following:

2 *Special Justice.* Amend RSA 502:8 (supp) as amended by 1955, 253:1 and by 1957, 125:2 by striking out the words "Laconia two hundred dollars" and inserting in place thereof the words, Laconia five hundred dollars, so that said section as amended shall read as

Further amend section 2 of said bill by striking out the words "Hampton one hundred and fifty dollars" and inserting in place thereof the words, Hampton three hundred and fifty dollars.

The report was accepted.

On motion of Senator Rainie, the reading of the amendments was dispensed with.

The President recognized Senator Rainie:

"Mr. President, I have gone over this matter with the Senate Counsel and these amendments are purely technical. They are merely references to other statutes covered in the bill. They do not affect the bill in any substantial way."

On motion of Senator Rainie, the Senate voted to adopt the report of the Committee on Engrossed Bills on the above entitled bill and concur in the adoption of the amendments.

Remarks of Senator Bennett in connection with SB 144, said bill re-committed to Committee on Judiciary on Wednesday, May 29.

Senator Bennett spoke in support of the adoption of the resolution of the committee, Inexpedient to legislate, as follows:

"I have found myself in a very embarrassing and awkward position, since both Lebanon and West Lebanon are in the 5th Senatorial District. However, I am forced to take a position on this highly controversial matter. It seems to me that in justice to the Senate I should deliver a few remarks as to my feelings in regard to this situation. I will state briefly, if I may, about the effect of this bill, if it should pass, first on West Lebanon and then on Lebanon. The first thing is the effect of removing the Wilder Dam from the Lebanon tax rolls and the tax revenue which would be directed to the new town of West Lebanon, if this bill should pass. I think two years ago a Legislative Interim Committee recommended that utility dams be assessed and taxed at the average state tax rate. If my memory serves me correctly, this did not prevail in the last session and the recommendations were not adopted, but there is nevertheless a feeling that dams should be taxed at the prevailing state tax rate. If this change should become law, the effect could be very detrimental to the new town of West Lebanon. They would be now dependent upon the tax revenue now being derived from the dam. Now, the position of the railroads in West Lebanon. In the past ten years, we have seen the great taxable reduction on the part of the railroad. There is reason to believe that taxable railroad property in West Lebanon could be reduced further or even abolished and therefore a large amount of other revenue would be lost to the new town. Consideration of schools is also important. I would like to point to the great growth in this section. That will mean more homes and, of course, more schools. All these things are going to be a burden on this new town. In Lebanon, of course, the obvious effect would be a tremendous increase in the Lebanon tax rate because the tax base will have been cut one-third, in view of the fact that the Wilder Dam and the railroad would be removed from the tax lists. Of the railroad tax, 85% would go to West Lebanon. All of the airport revenue would be lost to Lebanon. I would estimate a 25 to 30% decrease in non-tax revenue receipts to Lebanon and this would, of course, go to West Lebanon. All of this would increase the injustice, as I see it, to the town of Lebanon. I don't believe that you can turn around and make a right out of a wrong if this is a wrong.

I don't believe it is any solution to help West Lebanon and crucify Lebanon.

"In history, the last town to secede was Ashland. In order to secede from Holderness, the price Ashland had to pay was to take the whole debt of the town of Holderness. That was the only way. Now, briefly as to some political implications relative to West Lebanon and Lebanon and as to why certain people cannot be elected from West Lebanon. I submit there may be some merit to what Senator Cleveland says. However, I can remember back five, ten or fifteen years when I recall a selectman of the opposite Party being elected from West Lebanon. He was elected as selectman of the whole town of Lebanon. So it shows to me, at least, if you have candidates who have ability who will seek public office, whether they came from Lebanon or West Lebanon — if they have the ability to do the job, the people are going to vote for them regardless of where they come from. It is true, as has been said, that in the Legislature at this time, there is no member from West Lebanon. That is unfortunate. Last session, the West Lebanon section had a candidate, but this man who was a member of the majority Party apparently took it upon himself to campaign for a man out of Lebanon who was running for an entirely different office. Consequently, in the primary, the feeling was so intense in West Lebanon that West Lebanon defeated their own candidate. I am simply bringing this up as an instance that I do believe if West Lebanon had candidates and put them up, they could be better represented.

"This is my District and I feel very strongly about the consequences of this legislation. Mrs. Bennett and I resided in Lebanon two or three years and worked there, and we know many people in both Lebanon and West Lebanon. It seems to me that this bill, as far as it has gone, has served its purpose. I believe that this has brought out a situation which exists and I am confident that you are going to find that representation from West Lebanon will increase on all the municipal boards and increase in the delegation to the General Court.

"I think that my personal feelings were ably expressed by a member of the Lebanon delegation at the public hearing — Representative Cole, when he said 'it would break my heart if this Legislature should split this town in two.' That is my own thinking. I do not think there is enough merit in this bill to favor its passage in any form. I urge the Senate,

with all the vigor at my command, to adopt the committee report, Inexpedient to legislate, on this bill and not do anything that we might regret by setting a very dangerous precedent for the future.”

On motion of Senator Lamontagne, the Senate went into afternoon session.

### Afternoon Session

### Communication

### STATE OF MAINE

*In the year of Our Lord*

*One thousand nine hundred and fifty-seven*

### Memorial

*To the Honorable Senate and House of Representatives of the  
United States of America in Congress Assembled.*

Joint Resolution Memorializing Congress to Enact Legislation  
Concerning Unjustified Price Increases of Crude Oil  
and Refined Petroleum Products.

*We*, your Memorialists, the Senate and House of Representatives of the State of Maine in the Ninety-Eighth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

*Whereas*, the American public is seriously concerned and does have increasing doubts related to what may be the unjustified price increases of crude oil and refined petroleum products; and

*Whereas*, remedial legislation can have consideration best at the National level; now, therefore, be it

*Resolved*, that we, the Memorialists, recommend to the Congress of the United States that Senate Resolution 64 before the Senate Committee on Interstate and Foreign Commerce be considered of utmost importance, and be it further

*Resolved*, that a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary to the Senate and House of Representatives in Congress, the membership of said Senate and House of Representatives from this State and to the presiding officers of each of the Legislature in the New England states.

IN SENATE CHAMBER

APRIL 11, 1957

Read and Adopted

Sent Down for Concurrence

CHESTER T. WINSLOW,  
*Secretary*

HOUSE OF REPRESENTATIVES

House Receded from Its Action of April 24, 1957  
whereby the Resolution was Indefinitely Postponed  
and on May 22, 1957 Adopted the Resolution in  
Concurrence.

HARVEY R. PEASE,  
*Clerk*

**Announcement**

The President called the attention of the Committee Chairmen to the need of speeding up action on Senate bills held in their committees in order to expedite the work of the session.

On motion of Senator Rainie, the Senate adjourned at 11:45 o'clock.

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WEDNESDAY, JUNE 5, 1957

The Senate met at 11:00 o'clock.

**Introduction of Guests**

The President welcomed to the floor of the Senate as the guest of Senator Bennett, Mr. George Richardson of Lebanon.

Also, as the guests of Senator Lamontagne, Messrs. Roland Collins, John Smith and Alphonse Albert.

**Introduction, First and Second Reading of Senate Bills**

SB 190, An Act relative to opening and closing of polls at primaries and biennial election in towns. Introduced by Senator Holmes.

Referred to the Committee on Judiciary.

SB 191. An Act relative to economic growth survey. Introduced by Senator DeLude.

Referred to the Joint Committee of Finance and Resources, Recreation and Development.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 187. An Act to redistrict the state into Senatorial Districts.

HB 268. An Act increasing the salary of the justice of the Rochester municipal court.

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

SB 3. An Act relative to expenditure of state funds on Class IV compact section highways.

SB 155. An Act to establish a new apportionment for the assessment of public taxes.

SB 160. An Act relating to judgments rendered in Canadian courts.

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 313. An Act relative to the salaries of the justice and clerk of the municipal court of Dover.

### **Introduction, First and Second Reading of House Bill**

HB 268 to the Committee on Ways and Means.

### **Introduction and First Reading of House Bill**

The following entitled bill, sent up from the House of Representatives was read a first time:

HB 187. An Act to redistrict the state into Senatorial Districts.

The President recognized Senator Paquette:

"Mr. President, I move that further consideration of the above entitled bill be indefinitely postponed. From what I have heard from some of the Senators, I do not think it is necessary



to go along and have public hearings on this bill. It is a waste of time to do anything further with it."

The President recognized Senator Cleveland:

"Mr. President, I am in support of the motion of Senator Paquette. I would like to point out for the record that this bill was introduced in the House early in the session and the House has more or less sat on this bill for a long period of time, several months anyway. Then, they finally threw up their hands and, as I interpret by their remarks yesterday, they passed it on to the Senate because they, at least many of them, would not face up to their responsibilities. I believe that to pass a bill as important as this at this late date in the session is ridiculous. I do not think it is fair to the Senate. It is impossible to do justice to this matter in the very short time that the House has left us. I am in support of the motion."

The President recognized Senator Packard:

"Mr. President, I agree completely with the two former speakers. In support of the motion."

The President recognized Senator English:

"Mr. President, I regret that I cannot agree with the three previous speakers. I am against the motion. I was a member, along with one other member of the Senate, of the commission to study this. As I recall, nearly 40 years have gone by and the Senatorial Districts have not changed with the times. As a law abiding citizen, I feel that action should be taken and I would suggest that if we wait another 40 years, or even 2 years, the situation would be that much worse. I believe that District No. 11 is the most affected of all the Districts. Of all the some 6,000 Republicans who voted in that District, there would be less than 300 left out of that 6,000. So if I was one of those thinking of running again, I would have to start in new territory. It will be much worse each biennium that re-districting is put off. For that reason, I am definitely opposed to the motion to postpone."

The President recognized Senator Bergeron:

"Mr. President, I agree with Senator English. I think he is right in all his remarks, and am opposed to the motion to postpone."

The President recognized Senator Rogers:

"Mr. President, I rise in opposition to the motion to indefinitely postpone. Not only on the basis that it would reduce the expenses of the candidate from District No. 6 in campaigning in the next election, but out of respect for the amount of work that has been put into this proposal. Also, I am not sufficiently familiar with all of the details of the new Districts to know whether they are justifiable or not. Generally, I concur in the belief of Senator English, that we should not ignore the fact that the present Districts are completely out of line with the Constitution. Therefore, I believe whether or not the proposal is correct in all cases, I do believe that this Senate should consider this bill. Even though it may mean appointing a committee to study this further."

The President recognized Senator Lamontagne:

"Mr. President, at this time, I would like to say that I have looked into this bill very well, and I find that this bill would benefit my District, but I am in support of the remarks of Senator Cleveland, and in favor of the motion."

The President recognized Senator Humphreys:

"Mr. President, I don't think we have, or can find, any excuse to postpone this bill. I think it is the duty of the Senate to take steps to redistrict the Senatorial Districts of the state. I do not believe that it will take a great deal of time. I have studied this and find that there are only two Senatorial Districts that would be outside the county to redistrict this. I would be willing to work hard on this myself. There would have to be a good deal of amending to the bill, but I think it could be done in two weeks. I think this is the time to do it. We have the present valuation of some less than 25 million in one District to 132 million in another. We have the new figures of the Tax Commission showing the new valuation, etc. and I believe we should consider this bill now."

The President recognized Senator Adams:

"Mr. President, I rise in support of the motion. In spite of the fact that Senators English and Humphreys think that this is an easy task, the people who have drafted this bill have left out at least one town in Rockingham County. I think that it is definitely unfair for the House to send this bill in here and expect us to do a satisfactory job on this work. I think it is going to unnecessarily extend the length of this session. I

do not think that we have the time, or the inclination, to tackle this job. I am in favor of the motion.”

The President recognized Senator Rainie:

“Mr. President, sometimes in our inside thinking here we forget that we are a constitutional body. We are a governing body and we are the legislative branches of the government of this State. This is a constitutional matter. If we take the action that is proposed this morning, we are going to evade our duties. It is a legal duty. It is a legislative duty. The reason for having this put up to us now is because of the action taken last session of the Legislature. I cannot tell how I am going to vote, but I believe that we should consider this bill. Let us not fool ourselves. This proposal to indefinitely postpone is merely an effort to evade our duty. I am in opposition to the motion.”

The President recognized Senator Cleveland:

“Mr. President, speaking a second time in favor of the motion and to address myself particularly to the remarks made by Senator Rainie for whom I have a great respect. I feel his point that Senators who vote for this motion are evading their constitutional duty is one that should be discussed. In my opinion, I do not think this special committee did a very good job. I have represented my District four times. At the time they did this work, I had served it three times. I know my District and I know my people. This special committee did not call me in or discuss this District at all. I do not know if they discussed matters with anybody. I think that Senator Rainie is unfair to accuse us of shirking a responsibility on this matter. This bill was introduced early in the session and the House has held it there. The papers tell of their passing it to us because they did not want to assume their responsibilities. I think that this type of action should be met by similar action on our part. I do not feel that we should be treated in this manner. The House passed this bill on to us without amending it to correct the oversight of the town in Rockingham County. Now, if the House thinks it can do this, pass these controversial measures to us, I think that it is time that notice should be served to them that they cannot do this to us. That is not good legislation. I think that this motion is the Senate’s answer to this type of treatment by the lower body.

A resolution can be introduced to take care of further study on this matter.”

The President recognized Senator Rogers:

“Mr. President, I move that this bill be referred to a special committee — would suggest that the committee be appointed by the Chair to consist of three members.”

The President recognized Senator Packard:

“Mr. President, at first, I was going to speak on this motion pending. In my opinion, the motion is out of order. Can a motion to indefinitely postpone be made at any time — the bill has not been read a second time. I ask the Chair for a ruling.”

The Chair stated that he “would rule that the motion of Senator Rogers might be interpreted as a motion to order the bill to a second reading. There is nothing in the rules that would prohibit a bill on its first reading being referred to a committee and will rule that the motion is perfectly in order.”

The President recognized Senator Packard:

“Mr. President, I have not checked the rules, but I do not believe that any bill can be referred to committee until after it has been read a second time.”

The Chair ruled that this can be done.

Senator Lamontagne moved that further consideration of this bill be laid upon the table.

Senator Bennett inquired of the Chair as follows:

“Am I correct in assuming if this bill is laid upon the table, it may be taken from the table at any time by a majority vote?”

The Chair replied in the affirmative.

Senator Humphreys stated that he was opposed to the above motion.

The Chair stated that this motion was undebatable.

On the above motion, Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Cleveland, Anderson, Rhodes, Paquette, Packard, Provost, Karkavelas and Adams.

The following named Senators voted in the negative: Rogers, English, Holmes, Rainie, Daniel, Bergeron, Merrill and Humphreys.

Thirteen Senators voted in the affirmative and eight Senators voted in the negative.

Senator DeLude inquired of the Chair if she might abstain from voting, stating in the House there is such provision under Rule 17.

The Chair replied in the negative.

Senator Cleveland:

"Mr. President, parliamentary inquiry. As I understand it, anybody wishing to abstain from voting in roll call may do so only after agreed to by the Senate."

Senator DeLude moved that the members of the Senate to grant her request to abstain from voting.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator DeLude stated that she would vote in the negative.

Therefore, thirteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the motion to lay upon the table carried.

### Committee Reports

HB 377, An Act relative to investigation of subversive activities. Report of the Committee on Finance (Senator Merrill): Ought to pass.

The report was accepted,

The President recognized Senator Merrill:

"Mr. President, this bill has no appropriation which would require further funds. It merely provides that the balance remaining in the subversive fund will not lapse, but will be available to complete the work that has been started. This figure is approximately \$7,500. There are no investigators employed at the present time. The only work is to complete the report and to bring the files up to date, which is being done by the Attorney General's office."

The President recognized Senator Bennett:

"Mr. President, I rise with some hesitation. I am not go-

ing to oppose this bill, but to make the observation that it seems to me that this \$7,500 could be far better spent to allow the fund to lapse or to use it for some other purposes in that department. I do think that the \$7,500 could be better spent to pay the salary of an assistant attorney general for at least one year, or for other purposes within the department. I make these observations, but I do not intend to override the report."

The President recognized Senator Rainie:

"Mr. President, I had made up my mind that I would keep quiet, but Senator Bennett has stirred me into activity. This whole business of subversive investigation has been a complete fizzle. Some over \$100,000 has been spent and what have we got to show for it? We have not locked up anybody. We have case after case in supreme court. We have wasted all this money in a futile effort. If this was the only thing that was being done in connection with subversives, that would be one thing, but it is not. The FBI is watching this matter. All you have to do is to read through that very large thesis in that red book to tell you that there are thirteen or fourteen communists scattered throughout this State. They have no power and have not been associated with the party for a long time. I make this observation in views expressed by Senator Bennett."

The President recognized Senator Adams:

"Mr. President, I am in support of the committee report. I am not going to comment on what Senators Bennett and Rainie have said as to whether or not this subversive activity investigation was any success or not. I believe that it was. Whatever information that this accomplished, and I am given to understand that there are many records in the attorney general's office, if this lapses, some disposition will have to be made of these records. So, if we are to get anything out of the sum of money that Senator Rainie mentioned, it will not have been completely thrown away. In support of the committee report."

Senator Packard:

"Mr. President, I support the report of the committee. I believe that the sum of money appropriated originally was appropriated in good faith and I believe that if the attorney general's office was able to save any of this money, it should

not be taken away from them now as stated by Senator Adams."

Senator Daniel:

"Mr. President, in support of the committee report. I feel that the money appropriated was spent in good faith and I would be the last to feel guilty if the attorney general's office would have to destroy those records."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 73, An Act relative to optional allowances under teachers' retirement system.

Report of the Committee on Education (Senator Holmes): Ought to pass with amendment.

Amend the title of said bill by adding at the end thereof the words, and to date of modification of integrated systems, so that said title as amended shall read as follows:

An Act relative to optional allowances under the teachers' retirement system and to date of modification of integrated systems.

Amend said bill by inserting after section 1 the following new section:

2. *Modification of Agreement Relative to Social Security Coverage.* Amend paragraph I of RSA 101:17 as inserted by 1957, 48:7 by striking out the word and figure "June 30" and inserting in place thereof the word and figure, June 28, so that said paragraph as amended shall read as follows:

I. Whenever following the referendum with respect to the members of the teachers' retirement system authorized in paragraph I of section 10 of RSA 101 as inserted hereinbefore, it shall appear that said members have voted in favor of including service in positions covered by the teachers' retirement system under an agreement under said chapter 101, and it shall further appear that the governor has filed with the secretary of health, education and welfare with respect to said referendum the certificate required by paragraph II of said section 10, the state agency shall forthwith request the secretary of health, education and welfare to effect a modification of the agreement between the state and the secretary of health, education and welfare made under the provisions of said chap-

ter so as to include under said agreement such service in positions covered by the teachers' retirement system which under said chapter constitutes employment performed in the employ of the state, or any political subdivision thereof. Such modification shall be entered into as of June 28, 1957, or as soon thereafter as practicable, and shall be effective with respect to such service performed after December 31, 1955.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

The President recognized Senator Holmes:

"Mr. President, the amendment changes the title so that the bill will now amend chapter 48, Laws of 1957 and include a reference to the subject matter of HB 270. The amendment further provides that the date for the modification of the state agreement with the Federal Social Security Act. It was June 30, which is a Sunday. Since it is essential that the agreement be modified prior to July 1, the amendment changes the date of modification to June 28. The bill changes the time for election of options from 60 to 30 days."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of three committee reports not previously advertised in the Journal.

HB 186, An Act relative to form of state budget and requests by state agencies for appropriations and capital improvements. Report of the Committee on Finance (Senator Merrill): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, this bill revises and clarifies the present law in connection with the regular budgets of departments. It makes no changes that are of any major importance at all. The present law in its composition included both regular and capital budgets in one chapter and several sections. This



separates the two so that the departmental budgets are in one chapter and the capital budgets are in another.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 299, An Act relative to benefits under policemen's retirement system. Report of the Committee on Finance (Senator Merrill): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

“Mr. President, this bill does several things. Basically, it increases the benefits for policemen's retirement action. Reduces the age from 65 to 60. It increases benefits to widows. It also includes additional benefit for policemen who are injured in line of duty. It provides coverage under the system for men who are over thirty-five years of age. Presently, they must be less than thirty-five years of age. In order to have the plan actually sound and in order for the department to take in men over thirty-five years, the necessary rate of premium must be higher than for others. This provides this required coverage. There was some opposition to the sliding scale by the Portsmouth police department and also by Dover. In one of these cases, they were convinced that the plan was sound and they felt that the benefits derived would be worthwhile. A goodly number appeared in favor of this change of plan.”

Senator Karkavelas:

“Mr. President, in view of the fact that the police of Dover were against this bill, I would move that further consideration of this bill be made a Special Order of Business for next Tuesday morning at 11:01 o'clock in order that I may obtain more information and then discuss it in more detail at that time.”

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

HB 225, An Act relative to the interstate compact on juveniles. Report of the Committee on Finance (Senator Merrill): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

“Mr. President, this bill merely brings our compact in line with those of the other state. No appropriation.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 278, An Act relative to special parking privileges for persons with so-called walking disability.

HB 283, An Act relative to carrying certain passengers in trucks.

HB 318, An Act relative to establishing a road through Wadleigh Park in Sutton as a recreational road.

HB 363, An Act relative to unemployment compensation for lease-purchase contract on behalf of the state for an office building for the division of employment security.

HB 400, An Act relative to establishment of a board of institutions, corrections and hospitals.

SB 61, An Act relative to transfer of unclaimed ticket money from horse racing into general funds.

HB 45, An Act relative to appearance of police officers in civil or criminal proceedings and payment and disposition of fines.

HB 360, An Act relative to appropriations for capital improvements or the issuance of bonds in the city of Laconia.

SB 122, An Act authorizing administrators or executors, with the assent of heirs or devisees, to mortgage real estate.

HB 99, An Act relative to the salaries of the members of the board of public works, councilmen, and mayor of the city of Laconia.

HB 285, An Act relative to the misuse of motor vehicle number plates.

SB 55, An Act relative to the practice of chiropody.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

### Bill Recalled from Governor

On motion of Senator Packard, the following entitled bill was recalled from the Governor:

HB 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with a seeing eye dog on crosswalks.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the bill passed.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the bill was ordered to a third reading.

The bill now being on its second reading, and open to further amendment, Senator Packard offered the following amendment:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Blind Pedestrians.* Amend RSA 263:58 by striking out the words "blind pedestrians using" in the first line and inserting in place thereof the words, a blind pedestrian with a seeing eye dog or carrying" so that said section as amended shall read as follows: 263:58. *Care Required.* A blind pedestrian with a seeing eye dog or carrying a white cane shall have the right of way on crosswalks in compact parts of town. An operator of a motor vehicle shall be *prima facie* guilty of negligence if he injures any such pedestrian on such a crosswalk. Such operator when on a highway outside the compact part of a town shall exercise every reasonable precaution to insure the safety and protection of such pedestrians and their guides, and if necessary, shall stop his motor vehicle.

The President recognized Senator Packard:

"Mr. President, all this amendment does is make the act conform to the present law."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Lamontagne, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time and passed:

SB 73, An Act relative to optional allowance under the teachers' retirement system and to date of modification of integrated systems.

HB 186, An Act relative to form of state budget and requests by state agencies for appropriation and capital improvements.

HB 225, An Act relative to the interstate compact on juveniles.

HB 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with seeing eye dog on crosswalks.

HB 377, An Act relative to investigation of subversive activities.

Senator Bennett wished to be recorded as having voted against the passage of:

HB 377, An Act relative to investigation of subversive activities.

On motion of Senator Adams, the Senate adjourned at 12:22 o'clock.

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THURSDAY, JUNE 6, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator Bennett, Judge Edward A. Barney of Canaan. Judge Barney is former municipal court justice in Canaan, and former publisher of the Canaan Reporter, and was Executive Secretary to the late Congressman Frank Currier of the Second District.

As the guest of Senator Humphreys, his sister Mrs. Julia H. White of Portsmouth.

As the guest of Senator Karkavelas, Miss Mary Koromilas of Dover, Strafford County Chairman of Young Republican Clubs.

Former Representative James Mahony of Manchester, who was the guest of Senator Packard.

**Introduction, First and Second Reading of Senate Bill**

SB 192, An Act relative to acquisition of recreational area in Monadnock region. Introduced by Committee on Rules. Referred to Joint Committee on Resources, Recreation and Development and Finance.

**Concurrent Resolution**

Senator O'Brien offered the following Concurrent Resolution:

**Concurrent Resolution****Concerning the Status of Forces Treaties**

*Whereas*, the members of our armed forces serving abroad, their civilian components and the dependents of each, are now subject to the criminal jurisdiction of more than fifty countries in which they may be on duty, by reason of the NATO Status of Forces Treaty, the Administrative Agreement with Japan, and Executive Agreements with other nations, and

*Whereas*, these agreements penalize our servicemen for foreign service by depriving them of many of the rights granted by our Constitution, which they are sworn to defend, and

*Whereas*, it is impossible for any serviceman accused of transgression in a foreign country to receive a fair and impartial trial because of the varying systems of jurisprudence which make it impossible for him to receive the protection of all the rights and guarantees which our Constitution gives to every citizen, and because of the prejudice and animosity sometimes existing against our men, and

*Whereas*, legislation has been introduced in both the Senate and House of Representatives of the United States to direct the President to seek a modification of all such agreements so that the United States may regain exclusive jurisdiction over all the members of its armed forces for all purposes, or if such a modification is refused, then to terminate or denounce the agreements according to the terms of each;

*Now, Therefore, Be It Resolved* by the Senate and House of Representatives in General Court convened that we deplore the arrangements now existing which make service in our Armed Forces abroad a hazard by depriving our servicemen, their civilian components and dependents of each, of the rights and guarantees of our Constitution when they are stationed in other lands, and be it further

*Resolved*, that we respectfully urge the Congress of the United States to immediately enact the legislation now pending or similar legislation which will secure a modification or denunciation of the provisions of the NATO Status of Forces Treaty and all other agreements which surrender to foreign nations criminal jurisdiction over our servicemen; and be it further

*Resolved*, that the Secretary of State be, and he hereby is directed to send a duly certified copy of this resolution to our senators and representatives in the United States Congress.

On motion of Senator O'Brien, the reading of the above Concurrent Resolution was dispensed with.

On further motion of the same Senator, the above Concurrent Resolution was laid upon the table and made a Special Order of Business for next Tuesday, June 11, at 11:02 o'clock.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 393, An Act relative to the charter of the city of Portsmouth.

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bill to the following entitled bill:

HB 276, An Act relative to justices of the Laconia municipal court.

The House of Representatives has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bill:

SB 91, An Act relative to the interstate compact on mental health.

The Speaker has appointed as members of such Committee on the part of the House, the Messrs. Sawyer of Brookfield, Craig of Manchester, and Turner of Canterbury.

### **Introduction, First and Second Reading of House Bill**

The following entitled bill, sent up from the House of Representatives, was read a first and second time:

HB 393, An Act relative to the charter of the city of Portsmouth.

On motion of Senator Humphreys, the rules of the Senate were so far suspended as to dispense with reference of the above entitled bill to Committee, and to place the bill on its third reading and final passage at the present time.

### Third Reading of Bill

The following entitled bill was read a third time, and passed at the present time:

HB 393, An Act relative to the charter of the city of Portsmouth.

### Committee Reports

SB 80, (In new Draft) An Act relating to the expiration of void mortgages. Report of a Majority of the Committee on Judiciary (Senators Cleveland, Holmes, Karkavelas, Paquette and Humphreys): Ought to pass with amendment.

Amend section 1 of said bill by striking out the word "forty" wherever it may appear and inserting in place thereof the word, fifty, so that said section as amended shall read as follows:

1. *Real Estate Mortgages.* Amend RSA 479 by adding at the end thereof the following new subdivision:

#### Limitation on Undischarged Mortgages

479:28. *Void After Fifty Years.* From and after January 1, 1960, all undischarged mortgages of real estate which shall have been on record for a period of more than fifty years and which attain such age subsequent to January 1, 1960, shall be void; provided however, that a mortgagee or assignee of such a mortgage may continue the same in its full legal effect and priority, for an additional period of fifty years from date of such action, by re-recording the same at any time within such fifty-year period. All such mortgages which shall have been on record for a period of more than fifty years on or before January 1, 1960, shall become void on January 1, 1960, unless prior to that date the mortgagee or the assignee of such a mortgage shall have re-recorded the same, and upon such re-recording such mortgage shall retain its full legal effect and priority for an additional period of fifty years from the date of such re-recording.

SB 80, An Act relating to the expiration of void mortgages. Report of a Minority of the Committee on Judiciary (Senator Lamontagne): Inexpedient to legislate.

The reports were accepted.

Senator Lamontagne moved that the report of the Minority of the Committee (inexpedient to legislate) be substituted for the Majority of the Committee (ought to pass with amendment).

(Discussion ensued)

Senator Cleveland spoke against the motion:

"Mr. President, I would hope that the Senate would not vote in favor of the motion of Senator Lamontagne. This bill has been amended by the committee and now reads 50 years instead of 40. What this bill tries to do is very simple. The situation comes up a great deal when a person is checking titles. This bill, by the way, does not apply to banks or banking institutions. For example, you make a loan of \$1,000 to a friend sometime and he gives a mortgage. He pays you back and then you give him back the mortgage and note. He either puts the mortgage in his files or throws it away — in fact, does everything with it except what he should do — he does not go back and clear the title. As years go by, if someone has occasion to check the title, they will find that old mortgage recorded, but not cleared after the \$1,000 has been repaid. It might cost \$200 or \$300 and go to court. Banks will usually not take a mortgage with that cloud on the title. All this bill does is to say that after 50 years the mortgage has to be re-recorded or it is void. This was sent over to the supreme court to see if it would be constitutional. The court said yes, but that notice must be well in advance. This bill would not take effect until 1960, which covers the notice in advance. It is a simple bill and does not affect too many people. Many other states have this."

Senator Lamontagne spoke in favor of his motion to substitute:

"Mr. President, the main reason why I am against this Committee Report is because in the beginning the banks appeared before the committee and opposed it. They did say that they would not oppose it if an amendment was offered to exempt banks. The only reason for this bill is because in the past lawyers have made mistakes in the past and this will correct it.



I am not in favor of the banks being exempt. Of course, the banks are in business, I will not argue that point. If the mortgage is not re-recorded, then what is going to happen. They say it is for the benefit of veterans and I don't see how that makes any difference."

Senator Lamontagne asked Senator Cleveland whether or not this type of legislation had been introduced in the House this year.

Senator Cleveland replied in the affirmative — a bill by Representative Keough, but this bill differs in four respects.

Senator Rainie spoke in favor of the motion:

"Mr. President, in view of the fact that I have been searching titles for 25 years, I feel that I have some knowledge about this. It says a mortgage of 50 years — that would be an unusual thing. That would mean either an unsatisfied mortgage for 50 years or there has been a mistake made in the search of title. I think this bill is utterly useless legislation. I can see no justification. It may do some harm, but very little good. Property of this type is a very, very unusual situation. When you find an old mortgage like that, if you explain the situation to the bank, they usually assume that it is nothing but an error, and the banks usually will accept that situation as a fact and will go ahead with the loan. I think this is not very good legislation. I do not like to have things defeated in the House and then come back in here. I think it is futile and am going to vote for the motion to substitute."

Senator Rogers spoke in support of the Majority of the Committee report and against the motion to substitute, citing an actual experience in this connection.

Senator DeLude spoke in support of the Majority of the Committee report and against the motion to substitute, citing a similar experience in her family.

Question being on the motion of Senator Lamontagne to substitute.

On a *viva voce* vote, the negative prevailed, and the motion to substitute was lost.

Question being on the adoption of the amendment offered by the Majority of the Committee.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 144, An Act to establish the town of West Lebanon from a part of the territory of the town of Lebanon. Report of the Committee on Judiciary (Senator Humphreys): Inexpedient to legislate.

The report was accepted.

Question being on the adoption of the resolution of the Committee on Judiciary.

Senator Cleveland spoke in favor of the adoption:

"Mr. President, I think everybody has pretty well made up their mind on this matter as to how they are going to vote. The report is against the bill and against the amendment. I have received not a great deal of mail, but some information was received over the weekend. I believe everything I have to say was said in our last debate on this bill."

Senator Bennett spoke:

"In support of the report of the committee that this bill and any amendments be inexpedient to legislate. Since this bill was last heard on the floor of the Senate last week, the proponents of the bill have discussed the separation of Lebanon and West Lebanon. Two days later, they came to me and told me they would accept a referendum for the entire town. Three days later — suggested that the bill be recommitted to the committee for discussion and several amendments to be offered to the same. I am not going to dwell on this; I think we are wasting time. We have discussed the matter. The committee has considered all the information presented to it and the indication is that not even a minority favor the separation or the referendum. I hope that the Senate will go along and adopt the report of the committee."

Senator Karkavelas spoke in favor of the adoption of the report of the committee.

On a *viva voce* vote, the resolution of the committee, Inexpedient to legislate, was adopted.

SB 110, An Act relative to reports of fire insurance companies to the board of fire control. Report of the Committee on Banks and Insurance (Senator Anderson): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *State Board of Fire Control.* Amend RSA 153:13 by striking out said section and inserting in place thereof the following: 153:13. *Reports of Insurance Companies.* Every fire insurance company transacting business in this state is hereby required to file with the board through a recognized bureau or organization of companies or through the secretary or other officer of the insurance company, a monthly report of fire losses showing the name of the assured, designating the class of occupancy, location of the property burned and probable causes of fire. Losses under one hundred dollars need not be included in such reports. In the case of a fire of suspicious origin a preliminary report shall be made immediately through such bureau or association of companies or through some officer of the insurance company, showing the name of the assured, the date of the fire, location, occupancy, and such facts and circumstances as shall come to their knowledge and tending to establish the cause or origin of the fire.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

The report was accepted.

On motion of Senator Anderson, the reading of the amendment was dispensed with.

Senator Anderson spoke on the amendment:

"Mr. President, this amendment corrects a technicality which was omitted when the bill was introduced. It was introduced before we took action sometime ago changing the minimum amount on fires to be reported from \$50 to \$100. This is an inconsequential bill and has taken up more time of the committee than it is worth. At the present time, the insurance companies are required to report on their fire losses monthly and in addition also yearly. This bill leaves out the requirement that they be reported yearly and are only required to be reported monthly."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 118, An Act legalizing the organization meeting for the cooperative school district in Hampton, Hampton Falls, North Hampton and Seabrook. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendment.

Amend Senate Bill No. 118 by striking out all after the enacting clause and substituting the following:

1. *Proceeding Legalized.* The votes adopted and proceedings taken relative to the establishment of a secondary school cooperative school district at meetings held January 18, 1957 of the Town School Districts for the Towns of Hampton, Hampton Falls, North Hampton and Seabrook and the votes adopted and the proceedings taken at an organization meeting, held March 28, 1957, of the Secondary School Cooperative School District of the School Districts of Hampton, Hampton Falls, North Hampton and Seabrook are hereby legalized, ratified and confirmed and said Secondary School Cooperative School District is hereby declared to be duly organized.

2. *Change in Effective Date of Establishment.* The effective date of establishment of said Secondary School Cooperative School District may be changed to June 27, 1958 by a vote to accept and approve such new date of establishment adopted by a majority of the legal voters present and voting on the question at any annual or special meeting of said Secondary School Cooperative School District held prior to June 1, 1958.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

On motion of Senator Merrill, the reading of the amendment was dispensed with.

Senator Rainie spoke in favor of the adoption of the amendment:

"Mr. President, this amendment and the entire bill is drawn merely to meet the requirements of the bonding companies in the loaning of money for this cooperative group. The amendments, which are technical, were drawn by the bonding companies. This is the sole purpose of these amendments."

On a *viva voce* vote, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 37, An act relative to employment of minors under liquor and beverage laws. Report of the Committee on Labor (Senator Adams): Ought to pass.

The report was accepted.

Senator Adams spoke as follows:

"Mr. President, this bill is not as serious as it sounds. All it actually seeks to do is to allow minors not less than 18 years of age to work at check out stands in super markets and also the carrying of bundles to the customer's car, which might include beer. The committee felt that if women and men are old enough to serve in the armed forces in time of war at the age of 18, they are certainly old enough to carry bundles and punch a cash register, even though beer may be included in the merchandise sold."

Senator Rainie moved that consideration of the above entitled bill be indefinitely postponed and spoke in favor of the motion:

"Mr. President, the statement made by Senator Adams that this is not a serious matter — that is not all in line with my thoughts. The statement also that this bill applies only to the carrying of beer to some point outside the store does not present a true picture of this bill. When this bill came up in the House two years ago, that was the story told by the proponents of this bill. When moved for re-consideration, we found out that what this bill does it to allow the young people (the sons and daughters of the people who own stores) it allowed them to handle beer — to sell it — and to dispense it to their teen-age friends — if they desire. This leads to temptation — it leads to juvenile delinquency, etc. It seems to me that the time has come that we must look at this more seriously than previously. We must think the results of what the lifting of these restrictions in connection with beer will do to our young people. It does not seem that this Senate will pass this bill to allow these young people to sell and handle beer. I hope and urge that this Senate will consider this very seriously before they pass this bill."

Senator Bennett spoke in support of the motion of Senator Rainie:

“Mr. President, I believe that this bill definitely represents an altogether too liberal requirement. It does put the teen-agers in a position to sell to their friends who are minors. I am in support of the motion of Senator Rainie.”

Question being on the motion of Senator Rainie, that consideration of this bill be indefinitely postponed and on this question Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, Hodgdon, Bennett, Rogers, Cleveland, Anderson, English, Holmes, Rainie, Packard, Bergeron, Karkavelas, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, DeLude, Rhodes, Paquette, Provost, Daniel and Adams.

Fourteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the motion carried.

Senator Rainie moved that the Senate reconsider its vote whereby it voted indefinite postponement of the above entitled bill.

On this motion, Senator Lamontagne demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, DeLude, Rhodes, Paquette, Packard, Provost, Daniel, Bergeron and Adams.

The following named Senators voted in the negative. Horner, Hodgdon, Bennett, Rogers, Cleveland, Anderson, English, Holmes, Rainie, Karkavelas, Merrill and Humphreys.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

HB 147, An Act relative to children acting as caddies or delivering newspapers. Report of the Committee on Labor (Senator Adams): Ought to pass.

The report was accepted.

The President recognized Senator Adams:

“Mr. President, after the last vote, it is with some trepida-

tion that I rise in support of this bill to permit children to deliver newspapers. Under the existing law, and the reason for this bill, children under the age of 16 are required to have working papers to work at any gainful occupation. This bill would eliminate that requirement for acting as caddies on golf courses and delivering newspapers. There was some expression of opinion in the committee hearing as to what the delivery of newspapers constituted, but it was felt that the delivery of newspapers with reasonable hours and at reasonable time was certainly the intent of the committee and the intent of this law. No opposition in the committee except on that question and I think the records should show that it was the intent of the committee that the hours and the time and place should be reasonable where it says delivery of newspapers."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 58, An Act relative to inspectors in the labor department. Report of the Committee on Labor (Senator Adams): Ought to pass.

The report was accepted.

The President recognized Senator Adams:

"Mr. President, this is strictly a technical change in the labor law regarding inspectors. The law now says, for some reason, that the Labor Commissioner shall be empowered to have six inspectors and there is no particular reason for this limitation that anybody could see, but it does limit him to six. At times, if he needs more, and has the funds, it was felt by the committee that he should be able to hire more."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 112, An Act relative to compensation of third member of appeals tribunal in public construction contracts. Report of the Committee on Labor (Senator Adams): Ought to pass.

The report was accepted.

The President recognized Senator Adams:

"Mr. President, this bill simply enables the appointment of a third member to the appeals tribunal as necessary. The title actually described the matter. It is of no consequence, but

the provision is not now in the law and it was felt that it should be."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 84, An Act relative to definition of employer, claims for benefits and increase in benefits, under the workmen's compensation law. Report of the Committee on Labor (Senator Adams): Ought to pass with amendments.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Workmen's Compensation Law.* Amend paragraph I of RSA 281:2 by striking out said paragraph and inserting in place thereof the following:

I. Employer, means a person, partnership, association, corporation and the legal representative of a person, partnership, association or corporation, who employs five or more persons, whether in one or more trades, businesses, professions or occupations, and whether in one or more locations, except casual employees, farm labor and domestic service. In determining the number of persons employed there shall be included persons whose contract of employment was entered into outside the state, if they are actually employed on work in this state. Any other employer may elect to accept the provisions of this chapter in accordance with sections 3 and 7.

Amend section 6 of said bill by adding after paragraph III the following new paragraph:

IV. Whenever there is a recovery against a third person under any of the preceding paragraphs, the labor commissioner, or the superior court, as the case may be, shall order such division of expenses and costs of action, including attorneys' fees, between employer and employee as justice may require.

The report was accepted.

On motion of Senator Adams, the reading of the amendments was dispensed with.

The President recognized Senator Adams:

"Mr. President, when this bill was originally drafted, an attempt was made to make contractors immediately subject to the provisions of the workmen's compensation law. The reasons



for doing this were good, but it was felt by our Committee that it was unwise legislation to single out one element in the labor field for special treatment under this act. We felt that this matter should be dealt with in a different way and therefore this amendment takes out that part of the act. Others have a waiting period of 20 weeks. We felt that it was unwise to pass special legislation in this field. The other amendment has to do with third party liability. Up to five years ago, I understand that the insurance companies agreed to absorb the attorney's fees in third party accidents — this amendment puts it back to that status. Also, it raises the workmen's compensation from a minimum of \$12 per week to \$15 per week with maximum raised from \$34 to \$37."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 374, An Act relative to interest from date of writ in certain civil actions. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Civil Actions.* Amend RSA 524 by inserting after section 1 the following new sections:

524:1-a. *Interest To Be Added.* In the absence of a demand prior to the institution of suit, in any action on a debt or account stated or where liquidated damages are sought, interest shall commence to run from the time of the institution of suit. This statute shall be inapplicable where the party to be charged pays the money into court in accordance with the rules of the superior court.

524:1-b. *Interest from Date of Writ.* In any action in which a verdict is rendered or a finding made for pecuniary damages for personal injuries to the plaintiff, or for wrongful death or for consequential damages, or for damage to property, there shall be added by the clerk of court to the amount of damages interest thereon from the date of the writ, even though such interest brings the amount of the verdict or finding beyond the maximum liability imposed by law.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

The President recognized Senator Cleveland:

"Mr. President, there are two amendments. The first one rewrites all of the bill as it came to us because of errors in reference to sections. It clarifies the law as many attorneys believe it to exist. The second amendment is the change in the law on personal injury cases — interest will run from the date of the writ which is not the case now. What it means is this — if you bring an action in personal injury case, there may be some lapse of time before the case is heard. This was imposed by the insurance companies. According to them, the only thing that holds up settlement is lawyers who are asking much to much. This is sound legislation and quite a few states already have it."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Holmes desired to be recorded as having voted in opposition to the amendment.

HB 78, An Act relative to marine toilets and disposal of sewage from boats.

Report of the Committee on Public Health, Welfare and State Institutions (Senator DeLude): Ought to pass with amendments.

Amend RSA 149-A:7, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

149-A:7. *Suspension of Registration.* If, upon said inspection it shall appear that any marine toilet within or on a boat in operation on waters of this state is not adequately equipped with a treatment device within said boat and securely affixed to such toilet, the member, agent, or inspector is directed not later than forty-eight hours thereafter to require from the owner, operator, or any person on board said boat production and surrender of its certificate of registration, the owner, operator, or any person on board said boat shall have forty-eight hours from said inspection within which to remedy the defect. If, at the expiration of said forty-eight hours the boat remains inadequately equipped with a treatment device as hereinabove described, said member, agent, or inspector shall then endorse in ink upon said certificate of registration

a brief statement of the nature of the violation and shall forward it forthwith by mail or in person to the public utilities commission, where it shall be held by said commission until receipt of written authority from the water pollution commission for its return, which authority shall include a statement that the specified violation has been remedied in accordance with the provisions hereof and regulations of the water pollution commission promulgated hereunder.

The President recognized Senator DeLude:

“Mr. President, what this amendment does — I think the Senate is very familiar with the marine toilet situation — this bill provides for the attachment of this new device. When people apply for registration of such a boat they must declare that this is taken care of. The committee felt that the bill as sent in from the House was much too stringent. If they did not have this device, and in working order, their registration could be picked up. This might take a long period of time. We have many out of state people who come in here with their boats to enjoy the beauty of New Hampshire who do not have too much time here and it was felt that it was too stringent in the original bill.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 256, An Act relative to advertising by motel, cabins and motor courts. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to advertising by hotels, motels, cabins, and public lodging houses.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Hotels, Motels, Cabins and Public Lodging Houses.* Amend RSA 353 by inserting after section 3 the following new subdivision:

#### **Hotel Signs**

353:4. *Signs.* No hotelkeeper, as defined in section 1 or

keeper of a public lodging house, as defined in section 3 shall place or cause to be placed any outside sign bearing the room rates thereon, unless both the minimum and maximum rates for such rental appear in such size as to be readily discernible.

353:5. *False Advertising.* No hotelkeeper, as defined in section 1, or keeper of a public lodging house, as defined in section 3, shall publish or cause to be published any false or misleading statement as to rates or accommodations.

353:6. *Penalty.* Any hotelkeeper, as defined in section 1, or keeper of a public lodging house, as defined in section 3, who knowingly violates the provisions of the two preceding sections shall be fined not more than one hundred dollars.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

The report was accepted.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

The President recognized Senator Bennett:

"Mr. President, the amendment actually is a complete revision of the bill. The bill in itself came to us from the House. It provided for some stringent control of advertising by way of signs pertaining only to motels in the State of New Hampshire. The provisions were rather stringent it seemed to the committee. It was felt that if there was enough merit in the bill it should include all accommodations — cabins, motor courts, etc."

On motion of Senator Adams, the following amendment to the amendment was adopted:

Amend paragraph 353:6 as indicated by section 1 of the amendment, by adding after the word "of" in line 3, the words, either of, so that said paragraph as amended shall read as follows:

353:6. *Penalty.* Any hotelkeeper, as defined in section 1, or keeper of a public lodging house, as defined in section 3, who knowingly violates the provisions of either of the two preceding sections, shall be fined not more than one hundred dollars.

Question being on the adoption of the amendment, offered by the committee.

(Discussion ensued)

Senator Daniel moved that the bill be laid upon the table and made a Special Order of Business for next Tuesday, at 11:03.

(Discussion ensued)

Senator Daniel withdrew his motion.

Senator Lamontagne moved that further consideration of this bill be indefinitely postponed.

(Discussion ensued)

Senator Rogers spoke against the motion.

Senator Lamontagne withdrew his motion.

On motion of Senator Daniel, the bill with the accompanying report was laid upon the table and made a Special Order of Business for next Tuesday morning at 11:03 o'clock.

SB 184, An Act relating to extension and reamortization of mortgage loans to veterans.

Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, this bill simply allows that mortgages of veterans may be refinanced in accordance with recent changes in the federal law."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 150, An Act relative to factor's liens. Reports of the Committee on Banks and Insurance (Senator Anderson): Ought to pass.

The report was accepted.

The President recognized Senator Anderson:

"Mr. President, in 1949 when the statutes were revised regarding factors' liens, the act of posting a notice was omitted from most of the statutes with the exception of this one here. This bill was introduced to take care of this situation."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 389, An Act to provide for the establishment of insect and pest control districts. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, instead of the original printed bill, this is now a short bill, simply adding 'establishment of insect and pest control districts' to the provisions in chapter 52 which provides for districts for tree spraying fire fighting, etc."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 286, An Act relating to disabled veterans hunting from motor vehicle. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

The report was accepted.

The President recognized Senator Rhodes:

"Mr. President, this bill applies only to totally disabled veterans who are either paralyzed or have lost both legs. This will allow them to hunt from an automobile. Under the present law, they would not be allowed to have a loaded gun in an automobile. This does seem that the granting of this small favor to them is the very least that we can do for them. No opposition. Fish and Game department was in favor."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 345, An Act establishing the advisory committee on shore fisheries. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

The report was accepted.

The President recognized Senator Rhodes:

"Mr. President, this would allow the appointment of a committee, made up of people from the seacoast region, which would advise them of problems there (relative to clam digging, lobster, etc.). Several people appeared in favor. No opposition. The Fish and Game Department were in favor and thought this committee would be helpful."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 349, An Act relative to insertion of additional information on motor vehicle operator's licenses and fish and game licenses. Report of the Committee on Public Health, Welfare and State Institutions (Senator DeLude): Ought to pass.

The report was accepted.

The President recognized Senator DeLude:

"Mr. President, this is a rather simple bill. It merely provides that the motor vehicle commissioner and the fish and game commission may provide additional space on the respective licenses issued in which may be printed the type of blood of the holder of the license."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 405, An Act relative to annual returns of business corporations. Report of the Committee on Banks and Insurance (Senator Anderson): Ought to pass.

The report was accepted.

The President recognized Senator Anderson:

"Mr. President, at the present time, as everybody knows, a franchise return must be furnished to the secretary of state for every business corporation in New Hampshire and is due on April 1st. It calls for a listing in that return of the officers, directors and financial information. It has been found that at the present time, with so many corporations going on to a fiscal year period, they might be required to make two audits. This bill here authorizes the franchise return to be made on the basis at the end of the last fiscal year. No loss to the state. Still must be filed on April 1st. Would be a saving to the corporation."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Provost, the Senate went into afternoon session.

### Afternoon Session

### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 80, An Act relating to the expiration of void mortgages.

SB 110, An Act relative to reports of fire insurance companies to the board of fire control.

SB 118, An Act legalizing the organization meeting for the cooperative school district in Hampton, Hampton Falls, North Hampton and Seabrook.

SB 147, An Act relative to children acting as caddies or delivering newspapers.

SB 150, An Act relative to factors' liens.

SB 184, An Act relating to extension and reamortization of mortgage loans to veterans.

HB 58, An Act relative to inspectors in the labor department.

HB 78, An Act relative to marine toilets and disposal of sewage from boats.

HB 84, An Act relative to definition of employer, claims for benefits and increase in benefits, under the workmen's compensation law.

HB 112, An Act relative to compensation of third member of appeals tribunal in public construction contracts.

HB 286, An Act relating to disabled veterans hunting from motor vehicle.

HB 345, An Act establishing the advisory committee on shore fisheries.

HB 349, An Act relative to insertion of additional information on motor vehicle operator's licenses and fish and game licenses.

HB 374, An Act relative to interest from date of writ in certain civil actions.

HB 389, An Act to provide for the establishment of insect and pest control districts.

HB 405, An Act relative to annual returns of business corporations.

Senator DeLude served notice to the Senate that she would introduce next Tuesday a joint resolution pertaining to the sale of the Winant property and not to accept a price less than the amount paid as the purchase price.

On motion of Senator Daniel, the Senate adjourned in honor of Senator Caron, with the hope of a speedy recovery, at 1:45 P. M. to meet next Tuesday morning at 11:00 o'clock.



TUESDAY, JUNE 11, 1957

The Senate met at 11:00 o'clock.

### Leaves of Absence

Senator Caron requested leave of absence for the week on account of illness.

Senator Anderson requested leave of absence for the day on account of important business.

These requests were granted by the Chair.

### Introduction of Guests

The President welcomed the following visitors to the floor of the Senate:

As the guest of Senators Holmes, Anderson and Cleveland, Mrs. Mary T. Madden of Concord. Mrs. Madden is connected with the New Hampshire Nurses' Association.

Former member of the House and Senate, Mrs. Sarah E. Otis of Concord.

His daughter, Mrs. Nancy Chick, his grand-daughter Mercie, and grandson Frank Eralsey.

As the guests of Senator Karkavelas, Mr. Stavros Skope-teas, Director of the Library of the Greek Parliament; Mr. George Yacoumelos, head Director of Cataloging, National Library of Greece, and Mr. George Vafopoulos, Director Municipal Library of Salonica, Greece.

Also, an old time friend and former Assistant Clerk of the Senate, Judge Frank Ayer.

In the gallery, Judge Matson and Captain Andrews, both of Concord.

### Communication

June 9, 1957

To the Honorable Senators

DEAR SENATORS:

This little note will express to you my sincere appreciation for the resolution, offered in my honor, for the beautiful bouquets, and for adjourning the Senate in my name.

The resolution pleased me; the flowers cheered me; the adjournment honored me.

Affectionately yours,

MARYE WALSH CARON

The President expressed his sincere appreciation to all Committee Chairmen and to the members of the committees for their prompt cooperation in getting bills out of their several committees.

### **Introduction, First and Second Reading of Senate Bills**

SB 193, An Act relative to membership in the council on resources and development.

Introduced by Senator Rogers.

Referred to the Committee on Resources, Recreation and Development.

SB 194, An Act relative to political expenditures and contributions.

Introduced by Senator Karkavelas.

Referred to the Committee on Judiciary.

SB 195, An Act relative to public weighers.

Introduced by Committee on Rules.

Referred to the Committee on Ways and Means.

SB 196, An Act relative to qualifications for registration as pharmacists.

Introduced by Committee on Rules.

Referred to the Committee on Public Health, Welfare and State Institutions.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 305, An Act relative to minimum wage law.

HB 398, An Act relative to members of interstate commissions, and retirement benefits therefor.

HB 432, An Act providing for salaries for members of the Somersworth city council.

HB 416, An Act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1958.

HB 417, An Act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1959.

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Resolved*, that the following joint rule be adopted relating to a Committee of Conference:

13. Whenever a Committee of Conference is requested by their branch and such request is acceded to by the other, the President of the Senate shall appoint two members of the Senate and the Speaker of the House shall appoint three members of the House to serve on such committee. The first named member of the branch making a request for the committee of Conference shall be chairman of the committee. The report of the Committee of Conference shall be signed by each member of the committee.

The Chair announced that unless there was serious objection on the part of the Senate he would refer the above Concurrent Resolution to the Committee on Rules.

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

### **Concurrent Resolution**

#### **Relating to Litterbugs**

*Whereas*, the citizens of the state of New Hampshire take great pride in the grandeur which nature has bestowed upon their state, and

*Whereas*, the citizens of the other 47 states and our good neighbors from Canada annually visit our state to enjoy these natural wonders, and

*Whereas*, a small minority of our citizens and tourists disfigure these natural beauties with trash and litter, especially along our roadsides, and

*Whereas*, the crews of the highway departments of the towns, cities, and state annually spend thousands of dollars removing this litter, and

*Whereas*, the various garden clubs and other civic and fraternal organizations devote much time and effort to beautifying our roadsides and improving picnic facilities, and

*Whereas*, records show that those who litter public places are subject to a fine not to exceed \$25.00, and

*Whereas*, there have been many arrests but few convictions and only upon the rarest of instances does anyone pay the maximum fine,

*Therefore Be It Resolved by the Senate and House of Representatives in General Court convened:*

That the General Court hereby memorializes the courts of our state and the law enforcement officers of our state to enforce the laws currently in the statutes and to impose the fines already established by law. Only stricter application of the law by our courts will encourage the litterbug to abandon his disfiguring work. The efforts of thousands of our citizens to improve the beauty of our roadsides are now laid to waste in a few thoughtless minutes by trash tossers and garbage heavers. The citizens of our state annually pay thousands of dollars in taxes to be spent removing the debris left by thoughtless fellow citizens. By the erection of hundreds of signs along the roadside, all have been made aware of the existence of an anti-litter law and the fine they may expect to pay.

The Chair announced that unless there was serious objection on the part of the Senate, he would order this Concurrent Resolution to be printed in the Journal, and taken up for action tomorrow morning.

Senator English moved that the order whereby the above Concurrent Resolution was ordered to be taken up tomorrow morning be vacated and that consideration of the Concurrent Resolution be taken up at the present time.

Senator English spoke in favor of the motion:

"Mr. President, it seems to me that it is a very simple one, that we might dispense with the printing of same in the Journal and take it up now."

Senator Cleveland spoke against the motion:

"Mr. President, I would like to say that I don't suppose it is a matter of great importance. However, we do have procedure in this body and think that this procedure should be followed. I believe that is proper."

Senator Rainie spoke in favor of the motion:

"Mr. President, as I heard this resolution read, it seemed to me to be nothing but urging everyone to help to enforce the law as it is now on the books. We suspend the rules a good

many times for obvious matters. This seems to be obvious and I think we should get it out of the way now."

Senator Packard spoke against the resolution:

"Mr. President, I have no intention of taking a stand on this, but I think it is of a little more importance than it is being considered. In other words, the legislative body is trying to tell the judicial body how to act on this matter."

On a *viva voce* vote on the above motion, the Chair was in doubt and requested a division.

Eight Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

The Chair announced that the above resolution would be printed in the Journal and taken up tomorrow morning.

Senator Cleveland spoke as follows:

"Mr. President, I would like to have the State Counsel be in a position, when this comes up, to tell us if there is any infringement of power in this resolution."

Senator Holmes:

"Mr. President, I would ask the Senate Counsel to tell us how to get this law enforced. I live in a section where there is a great deal of this 'littering' and I have found that it is impossible for me to get my binoculars out quickly enough to read the number plates on the car involved."

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills and joint resolution, sent down from the Honorable Senate:

SB 72, An Act relative to compensation for the commissioners of Cheshire County.

SB 179, An Act to correct an error in the statute relative to selling or serving milk for drinking.

SJR 5, Joint Resolution in favor of J. Wayne Ferns.

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 131, An Act relating to building and loan associations.

Amend section 1 by striking out the word "an" in the third line and inserting in place thereof the words, a loan; further amend said section by inserting after the word "the" in the eleventh line the word, loan, and by striking out the word, "An" in the eighteenth line and inserting in place thereof the words, a loan, so that said section as amended shall read as follows:

1. *Building and Loan Associations.* Amend RSA 393:15-a (supp) as inserted by 1955, 140:1 by striking out said section and inserting in place thereof the following: 393:15-a. *Unsecured Loans.* A loan association or cooperative bank may loan its funds as follows:

I. In loans insured by the Federal Housing Commissioner under Title I of the National Housing Act of 1934 with all subsequent amendments thereto.

II. In loans of improved real estate for the purpose of financing the repair, alteration, improvement or rehabilitation without the additional security of a lien upon such real estate; Provided, that (a) The loan association or cooperative bank is the holder of the first mortgage upon the property to be improved; (b) the net proceeds of any such loan do not exceed thirty-five hundred dollars; (c) each such loan is evidenced by one or more negotiable notes; (d) the resulting aggregate amount of all such loans does not exceed an amount equal to fifteen per cent of a loan associations' or cooperative banks' assets; (e) each such loan is repayable in regular monthly installments within a period of five years.

The President recognized Senator Rainie:

"Mr. President, these changes are of minor importance and do not affect the intent of the bill."

On motion of Senator Rainie, the reading of the amendments were dispensed with.

On motion of Senator Rainie, the Senate voted to concur with the amendments sent up from the House of Representatives to the above entitled bill.

The House of Representatives has voted to refer to the Judicial Council the following entitled bills, sent down from the Honorable Senate:

SB 68, An Act establishing an agreement on detainers.

SB 90, An Act relative to detainers within the state.

**Introduction, First and Second Reading of House Bills**

HB 305 to the Committee on Labor.

HB 398 to the Committee on Judiciary.

HB 432 to the Committee on Ways and Means.

HB 416 to the Committee on Finance.

HB 417 to the Committee on Finance.

**Committee Reports**

SB 128, An Act relative to investments of savings banks and loans by trust companies. Report of the Committee on Banks and Insurance (Senator Anderson): Ought to pass with amendment.

Amend said bill by striking out section 1 thereof and re-numbering sections 2, 3 and 4 to read sections 1, 2 and 3, respectively.

The report was accepted.

The President recognized Senator Rogers:

"Mr. President, this bill relates to loans by savings banks and trust companies. The amendment strikes out the first section which, to a very slight degree, liberalizes loans which may be made by savings banks. Representatives of the savings banks objected to this first section. The remainder which will be under section 1 relates to loans of trust companies. Presently, as I understand it, the trust companies are limited as to the amount of money that they may loan to any one borrower to 10%. This section increases this to 15%, which would in effect give trust companies some provision equal to the rights of national banks to have savings accounts. It seems that trust companies cannot include their savings accounts in their investments. Approved by the bank commissioner. No opposition by any of those present."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 231, An Act relative to sale of electrical appliances. Report of the Committee on Banks and Insurance (Senator Anderson): Ought to pass.

The report was accepted.

The President recognized Senator Merrill:

"Mr. President, this bill is a provision which may result in

the protection of persons and property by giving the Board of Fire Control authority of approval of electrical appliances and devices sold within the State. The situation which exists, as explained by the Board of Fire Control is that in many cases there are equipment and appliances sold that are of inferior quality, not approved by the Fire Control Board. No one appeared in opposition. The Board of Underwriters representative was present and showed exhibits to prove this point. The committee felt that this was a step in the right direction."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 49, Joint Resolution in favor of Mr. and Mrs. A. W. Weigele. Report of the Committee on Claims (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, head tax was improperly collected, for three years — the persons being overage — the amount of the claim is \$30. There was no objection. The tax commission had no objection."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 52, Joint Resolution in favor of Willard M. Cady. Report of the Committee on Claims (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, this involves the interest and dividend tax which was collected improperly from Mr. Cady. No objection. Two people appeared in favor. Tax Commission had no objection. The amount is \$64.65. This is a case where a lawyer paid on behalf of the people and the people paid on behalf of themselves."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 53, Joint Resolution in favor of Warren A. Cole. Report of the Committee on Claims (Senator Lamontagne): Ought to pass.

The report was accepted.



The President recognized Senator English:

"Mr. President, this is an almost identical case as above, involving the interest and dividend tax. No objection. Tax Commission was in favor. The amount is \$63.88."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 54, Joint Resolution in favor of Roland E. Jenkins. Report of the Committee on Claims (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, a few years back, the artillery unit was transferred into an infantry unit. The adjutant general's office failed to fill out some paper or form. By failure to fill out this form in the adjutant general's office, it was impossible to pay this man. Jenkins was in no way at fault. Adjutant general McSwiney appeared in favor. The amount involved is \$646.69."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 55, Joint Resolution in favor of Harvey V. Harrison. Report of Committee on Claims (Senator Lamontagne): Ought to pass.

The report was accepted.

The President recognized Senator English:

"Mr. President, this claim arises for the same circumstance as the preceding one. A failure to fill out a form in the adjutant general's office. The amount is \$363.00."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

SB 170, An Act relative to dog registration tags. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

The report was accepted.

The President recognized Senator Rhodes:

"Mr. President, the law at the present time requires that each year when a dog is licensed, it is given a metal tag to be attached to the collar. Also requires that the owner's name and address should be on the collar. Apparently, many people are not aware of this. All this bill does is to state that the owner

shall not be required to have his name and address on the tag just the number.”

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 57, An Act providing for dismissal of teachers and school district employees. Report of the Committee on Education (Senator Merrill) : Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act providing for hearing in case of failure to renominate or re-elect a teacher.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Teachers.* Amend RSA 189 by inserting after section 13 the following new section:

189:13-a. *Failure to be Renominated or Re-elected.* Any teacher who has a professional standards certificate from the State Board of Education and who has taught for three or more years in the same school district shall be notified in writing on or before March 15 if he is not to be renominated or re-elected.

A teacher so notified may request in writing within five days of receipt of said notice a hearing before the school board and may in said request ask for the reasons for failure to be renominated or re-elected and may further request that said hearing be public. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within fifteen days. At said hearing, the teacher and school board shall have the right to be represented by counsel. The school board shall issue its decision in writing within fifteen days of the close of the hearing.

2. *Takes Effect.* This act shall take effect as of September 1, 1958.

The report was accepted.

The President recognized Senator Holmes:

“Mr. President, SB 57 is a re-written bill. It is not so far reaching as the original bill to which there was great opposition by school board members and citizens. The new version attempts to give a certified teacher whose contract is not to be

renewed after three years in a school, a fair hearing. We believe that this is a fair arrangement for protecting the teacher and for avoiding infringement of the rights of the school board."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 130, An Act to clarify the relationship between the Board of Nursing Education and Nurse Registration and the State Department of Education and to provide for the acceptance of Federal Aid for Practical Nurse Training. Report of the Committee on Education (Senator Merrill): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, the title of the bill is very explanatory, and the bill is supported by nurses' organizations. It keeps Board of Nurses to manage nurse education and registration, but places the Board definitely under authority of State Board of Education. Also provides for acceptance of federal aid for practical nurse training. No opposition expressed at hearing, which was attended by proponents and those who had opposed bill in the House."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 303, An Act relative to educational facilities for intellectually retarded children. Report of the Committee on Education (Senator Merrill): Ought to pass.

The report was accepted.

The President recognized Senator Holmes:

"Mr. President, the House committee rewrote the bill — is printed in House Journal of Tuesday, May 21, Pages 5 and 6. New version does following: Allows school board to provide instruction and transportation for mentally retarded children capable of profiting from instructor. State Board of Education is given authority to determine regulations. This rewritten bill was approved by committee, which studied subject."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 112, An Act relative to compensation of third member of appeals tribunal in public construction contracts. Report of the Committee on Engrossed Bills (Senator Holmes): Under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend the title of said bill by striking out the words "third member" and inserting in place thereof the word, members, so that said title as amended shall read as follows:

An Act relative to compensation of members of appeal tribunal in public construction contracts.

The report was accepted.

On motion of Senator Adams, the reading of the amendment was dispensed with.

The President recognized Senator Adams:

"Mr. President, the amendment is merely a technical amendment and does nothing to the bill. It changes the bill in no respect — simply amends the title."

On motion of Senator Adams, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills to the above bill.

HB 393, An Act relative to the charter of the city of Portsmouth. Report of the Committee on Engrossed Bills (Senator Horner): Under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend said bill by striking out section 14 and inserting in place thereof the following:

14. *Takes Effect.* This act shall take effect for the next regular city election upon its approval by the governing body of the city of Portsmouth.

The report was accepted.

The President recognized Senator Humphreys:

"Mr. President, this is a technical amendment — simply changes the word 'at' to 'for'. It does not change the intent or the effect of the amendment."

On motion of Senator Humphreys, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills to the above bill.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 58, An Act relative to inspectors in the labor department.

HB 186, An Act relative to form of state budget and requests by state agencies for appropriations and capital improvements.

HB 225, An Act relative to the interstate compact on juveniles.

HB 276, An Act relative to justices of the Laconia municipal court.

HB 345, An Act establishing the advisory committee on shore fisheries.

HB 349, An Act relative to insertion of additional information on motor vehicle operator's licenses and fish and game licenses.

HB 377, An Act relative to investigation of subversive activities.

HB 389, An Act to provide for the establishment of insect and pest control districts.

HB 405, An Act relative to annual returns of business corporations.

SB 155, An Act to establish a new apportionment for the assessment of public taxes.

SB 160, An Act relating to judgments rendered in Canadian courts.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

Senator DeLude offered the following Concurrent Resolution:

### Concurrent Resolution

*Whereas*, the state purchased the so-called Winant property for the sum of seventy-five thousand dollars, and

*Whereas*, in accordance with directions from the general court said property is now being offered for sale, now therefore be it

*Resolved by the Senate, the House of Representatives concurring:*

*That* the governor and council be advised that it is the opinion of the general court that the said Winant property should not be sold for a sum of less than seventy-five thousand dollars.

The President recognized Senator DeLude:

“Mr. President, I would like to say at the outset I would not object to a sum appreciably less. I feel very strongly on this subject. At the present time, that property is open to bid and bids must be accepted or rejected by June 23. Because of the position, and as a matter of fact, I have been unofficially informed there is no one who is going to bid anywhere near the amount of the purchase price on this property. There are six acres — in a good section of the city. I believe it would be wise to hold this building for a couple of years. It is also inconceivable to me that the Governor and Council might accept a figure much lower. I believe that if we hold the property, the original figure may be obtained. It seems to me that haste is necessary since these bids must be opened and acted upon within a short time. I do believe that it is our duty as the General Court to inform the Governor and Council that we do not want this property given away.”

Senator Rainie:

“Mr. President, I am sorry that I find it impossible to agree with Senator DeLude in this matter. I have known about this for a long time. In the first place, I have felt that the price paid was exorbitant. I do not believe that more than \$40,000, at the most \$50,000, could possibly be obtained from the sale of this property. If the property sets there empty for two years more, with all the harm that can be done to empty buildings — it will be harder still to dispose of it. I am against the resolution.”

Senator DeLude questioned Senator Rainie as follows:

“Did you understand me when I said I would offer no objection if the Senate were to amend this to an appreciably less figure? It is possible for the property to be rented.”

Senator Rainie replied:

“I am of that opinion still.”

Senator Packard:

"Just a passing comment. I might say you can pass all the resolutions you want to of this type. I am sure the Governor and Council will use their best judgment in acting on this resolution if passed by this body. I am not familiar with the property, but I would say that I do not believe that property will be sold for that amount of money either now or two years hence. I am against the resolution."

Senator DeLude moved that the resolution be printed in the Journal, reference to committee be dispensed with, and action taken tomorrow at 11:01 o'clock.

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

### **Special Order of Business — 11:01 O'Clock**

Senator Karkavelas called for the Special Order of Business. It being: Shall HB 299 be ordered to a third reading?

The President recognized Senator Karkavelas:

"Mr. President, I wish to state that I made this a Special Order of Business so that I might talk with the police officers in Dover. The main objection by them is due to the financial aspect — it will cost about 98¢ per week. As police officers are underpaid all over the nation, they felt it was undesirable to pass this bill. They are in sympathy with the merits of the bill and wished they could afford it. Some say that they will go along with it and hope to get a raise in the near future. They told me not to oppose it further."

Senator Humphreys:

"Mr. President, I made some inquiries over the week end from my police officers in Portsmouth and they think this bill is so unfair that they do not want the bill. They would rather take a chance that there will be a better bill later on. Opposed to the bill. I understand that those in favor of the bill came from only one or two cities and there was much opposition. I am against the bill.

Senator Rainie:

"Mr. President, I have discussed this bill with some of the policemen in Concord. I have been informed that the bill is very helpful to the policemen. The difficulty comes in the

fact that this will involve a higher payment. Some objected to this higher payment. I am in favor of the passage of this bill."

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys desired to be recorded as having voted against the bill being ordered to a third reading.

### **Special Order of Business — 11:02 O'Clock**

Senator O'Brien called for the Special Order of Business. It being: Consideration of Concurrent Resolution concerning the Status of Forces Treaties.

The President recognized Senator O'Brien:

"Mr. President, I guess most of you are familiar with what this resolution proposed to do. There is legislation pending in Congress at the present time that would more or less modify or correct this situation. This resolution is intended to memorialize Congress to at least take action on the pending legislation, etc."

Senator Cleveland spoke as follows:

"Mr. President, I wish to be recorded against the resolution. I think there are two sides to this question and I don't think we have enough information on which to base a vote. This is a matter for the United States Congress and not the New Hampshire General Court."

(Discussion ensued)

Senator English spoke against the resolution.

Senators Adams and Packard spoke in favor of the resolution.

Senator Rainie spoke against the passage of the resolution.

Senator DeLude:

"Mr. President, I would like to know if Senator O'Brien would be willing to amend the resolution to provide for a milder version. I could vote for that, but I must speak in opposition to this resolution as written."

Senator O'Brien replied that might be possible and re-



requested a five minute recess, which request was granted by the Chair.

(Recess)

The Senate re-assembled.

On motion of Senator O'Brien, the above Concurrent Resolution was laid upon the table, and made a Special Order of Business for next Thursday, at 11:01 o'clock.

### **Special Order of Business — 11:03 O'Clock**

Senator Daniel called for the Special Order of Business. It being on the adoption of the amendment offered by the committee to HB 256, An Act relative to advertising by motels, cabins and motor courts.

On motion of Senator Bennett, the above entitled bill was re-committed to the Committee on Resources, Recreation and Development for further consideration. Senators Daniels and Karkavelas spoke in favor of this motion to re-commit.

On motion of Senator Lamontagne, the Senate went into afternoon session.

### **Afternoon Session**

Senator Provost in the Chair.

The President recognized Senator Adams on personal privilege:

"Mr. President, I rise to state that when I arrived in Concord this morning and was shown a copy of yesterday's Concord Monitor with screaming headlines relative to statements of the Governor relative to the public utilities action against the taxpayers of the state, I was astounded to say the least. I was slightly familiar with SB 129, filed by Senators Humphreys and Anderson, and thought I knew what it was about. My understanding of the bill is that the users of the public utilities, or the taxpayers, have to decide who is to pay the bill. I suggest that the committee give the bill serious consideration."

### **Third Reading of Bills and Joint Resolutions**

The following bills and joint resolutions were read a third time and passed:

SB 57, An Act providing for hearing in case of failure to renominate or re-elect a teacher.

SB 128, An Act relative to investments of savings banks and loans by trust companies.

SB 170, An Act relative to dog registration tags.

HB 130, An Act to clarify the relationship between the Board of Nursing Education and Nurse Registration and the State Department of Education and to provide for the acceptance of Federal Aid for Practical Nurse Training.

HB 231, An Act relative to sale of electrical appliances.

HB 299, An Act relative to benefits under policemen's retirement system.

In connection with HB 299 above, Senator Humphreys desired to be recorded as having voted against the passage of the bill.

HB 303, An Act relative to educational facilities for intellectually retarded children.

HJR 49, Joint Resolution in favor of Mr. and Mrs. A. W. Weigele.

HJR 52, Joint Resolution in favor of Willard N. Cady.

HJR 53, Joint Resolution in favor of Warren A. Cole.

HJR 54, Joint Resolution in favor of Roland E. Jenkins.

HJR 55, Joint Resolution in favor of Harvey V. Harrison.

On motion of Senator Paquette, the Senate adjourned at 1:18 o'clock.

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WEDNESDAY, JUNE 12, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator Packard, Mr. Franklin Van Vleet of Penacook.

As the guest of Senator Karkavelas, Mr. Maurice J. Murphy, Sr. of Dover, the father of our Senate Counsel.

**Introduction, First and Second Reading of Senate Bills**

SB 197, An Act relative to cases transferred from juvenile court to the superior court.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

SB 198, An Act relative to repair of town highways.

Introduced by Senator DeLude.

Referred to the Committee on Public Works.

On motion of Senator Packard, the rules of the Senate were so far suspended as to permit the introduction of a Senate bill. (Senator Packard spoke as follows on the reason for this motion being made:

“Mr. President, this bill is an act which the Senate Counsel has been working on for some time, with a group of individuals connected with the Blind Association. It has taken some time to draft this and we would like to introduce it at this time. It pertains to aid to the blind.”

SB 199, An Act relative to public assistance to the blind. Introduced by Senator Packard. Referred to the Committee on Ways and Means.

**House Message**

The House of Representatives has passed the following bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 56, An Act relative to the salary of the justice of the Manchester municipal court.

HB 142, An Act relative to taxation of real estate and personal property.

HB 179, An Act relative to exemption under motor vehicle road toll law.

HJR 32, Joint Resolution relative to Hampton Beach parking areas.

Senator Packard moved that the Rules of the Senate be so far suspended as to dispense with committee reference in connection with HB 56, An Act relative to the salary of the justice of the Manchester municipal court, and that the bill be placed on its third reading and final passage at the present time.

The President recognized Senator Packard to speak in favor of the above motion, as follows:

“Mr. President, if the Senate recalls, back a week or so ago, the Ways and Means Committee amended a Dover bill which did exactly what this bill is now calling for. At the request of the House at the Committee of Conference, we removed the amendment and allowed this bill to go through on its own merits. It has been reported favorably. I do not believe it is necessary to hold additional hearings — this has been covered previously. I believe if it is handled this way, it will save time. This has been agreed upon by the Manchester Delegation. All the bill does it to raise the salary of the justice of the Manchester municipal court from \$4,600 to \$5,100.”

The President recognized Senator Daniel to speak in favor of the motion, as follows:

“Mr. President, I concur wholeheartedly with what Senator Packard has said. I wish to state that the justice of our Manchester municipal court handled 4781 cases during the past year and the judge received but 97 cents per case. For instance, in Lebanon, the judge received \$6.94 per case. I really believe that the judge is entitled to that raise.”

Question being on motion of Senator Packard.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

### **Third Reading of Bill**

The following entitled bill was read a third time, and passed:

HB 56, An Act relative to the salary of the justice of the Manchester municipal court.

### **Introduction, First and Second Reading of House Bills**

HB 142 to the Committee on Judiciary.

HB 179 to the Committee on Ways and Means.

HJR 32 to the Joint Committee on Finance and Resources, Recreation and Development.

### **House Message (continued)**

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 180, An Act to correct clerical error in an act relative to town appropriations.

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

SB 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense.

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 84, An Act relative to definition of employer, claims for benefits and increase in benefits, under the Workmen's Compensation Law.

HB, 78 An Act relative to marine toilets and disposal of sewage from boats.

HB 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with a seeing eye dog or white cane on crosswalks.

The House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 44, An Act relative to compensation to inmates of Laconia State School.

SB 102, An Act relative to final disposition of cases involving delinquent children.

The House of Representatives refuses to concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 374, An Act relative to interest from date of writ in certain civil actions.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Green of Manchester, Smith of Manchester, and King of Manchester.

On motion of Senator Cleveland, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

Pursuant to the above the President appointed as mem-

bers of such committee on the part of the Senate, Senators Cleveland and Paquette.

The House of Representatives has adopted the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

Concurrent Resolution relating to the Boston and Maine Railroad:

*Resolved by the House of Representatives with the Senate concurring:*

*That whereas* the continuance of the present services to the public by the Boston and Maine Railroad is of vital interest to the state:

*Resolved*, that the Boston and Maine Railroad be urged to end any further curtailment of services to the public in New Hampshire, and be it Further

*Resolved*, that a copy of this resolution be sent to the Boston and Maine Railroad.

The Chair announced that unless there was objection by the Senate, he would refer the above Concurrent Resolution to the Committee on Transportation.

### **Taken from the Table**

On motion of Senator Humphreys, HB 187, An Act to re-district the state into Senatorial Districts, was taken from the table and referred to a Special Senate Committee appointed by the Chair; to consist of Senators Humphreys, Rogers, Rainie, and all other Senators including the President of the Senate.

### **Committee Reports**

SB 190, An Act relative to opening and closing of polls at primaries and biennial election in towns. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Holmes:

“Mr. President, the Chairman has asked me to explain this bill because I introduced it. The change in the present law is found on page 2 line 24 to 30. The bill would allow 10 citizens in a town of over 700 to petition that the polls be kept open until 7:00 o'clock in the evening. That is the sole change in the law. Several towns in my area — because of the

fact that many of the people work out of town as salesmen, some in Manchester, etc., the difference between 6:00 and 7:00 o'clock is of great importance to them. It is especially important at the time of the primary. This petition would have to be in the hands of officials two weeks before the primaries. There would have to be a real interest in it in the community. This seems to be a step in the right direction. No opposition. This is not a very strong bill. I wish it were stronger, but I am not offering any amendment."

On a *viva voce* vote, the bill was ordered to a third reading.

HB 204, An Act relative to the establishment of recreational roads. Report of the Committee on Public Works (Senator Bennett): Inexpedient to legislate.

Question being on the adoption of the resolution of the Committee on Public Works.

Senator Rogers:

"Mr. President, this bill was intended to reclassify a section of road in the town of Stewartstown as a class III recreational road. It is now class V — a town road. It extends for two or three miles north of Colebrook in the direction of Little Diamond Pond. The state has recently acquired some property in that area which I understand that the Recreation Department hopes will sometime be developed. Similar bills have been passed this session, but in those cases the roads reclassified have been subject to quite an amount of travel already. This road is clearly in the future. The committee felt it was not wise to reclassify it at the present time."

On a *viva voce* vote, the resolution of the Committee on Public Works, Inexpedient to legislate, was adopted.

HB 237, An Act extending road in Warner. Report of the Committee on Engrossed Bills (Senator Holmes): Report the same under Joint Rule No. 6 with the following amendment, and recommend that the bill as amended ought to pass.

Amend section 1 by striking out the first four lines and inserting in place thereof the following:

1. *Road in Warner.* Amend RSA 231:6 as amended by 1957, 99:1 and 1957, 162:1 by striking out the words "original toll gate location" and inserting in place thereof the words, Top of Tory Hill, so called, so that said section as amended shall read as follows: 231:6 *Class III Recreational*

Further amend said section 1 by inserting after the word "Newbury" at the end of the first sentence the words, and the road from Route 116, so called, to Forest Lake State Park in the towns of Whitefield and Dalton; and by inserting after the words "Belknap State Reservation in the town of Gilford" the words, the road from Route 114 at North Sutton Village to and through Wadleigh State Park to the western boundary of said park on the lake front highway.

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendment by the Committee on Engrossed Bills to the above entitled bill.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate Bills:

HB 286, An Act relating to disabled veterans hunting from motor vehicles.

HB 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with a seeing eye dog or white cane on crosswalks.

SB 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense.

SB 180, An Act to correct clerical error in an act relative to town appropriations.

HB 393, An Act relative to the charter of the city of Portsmouth.

SB 3, An Act relative to expenditure of state funds on Class IV compact section highways.

SB 72, An Act relative to compensation for commissioners of Cheshire county.

SB 179, An Act to correct an error in the statute relative to selling or serving milk for drinking.

SJR 5, Joint Resolution in favor of J. Wayne Ferns.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

### Resolution

By a standing vote, and with sincere applause, the following resolution was adopted:



*Resolved*, that the members of the Senate express to their genial sergeant-at-arms, former Senator Nate Tirrell, their appreciation for the kind invitation and gracious hospitality extended to them on the occasion of the biennial party given by him at his residence in Goffstown recently. The gathering was most enjoyable and entertaining and a good time was had by all.

Senator Adams requested a one minute recess, which was granted by the Chair.

(Recess)

Senator Cleveland presiding.

The Senate re-assembled.

Senator Adams moved that the rules of the Senate be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

SB 159, An Act establishing a new ward for the city of Manchester. Report of the Special Committee (Senator Adams): Ought to pass.

Senator Adams spoke in favor of the motion:

"Mr. President, this is a bill that the Manchester delegation considered and held hearings on to create a new ward in the city of Manchester. It is the feeling, of a majority of the committee at least, that whatever we may do in here with the bill, if we should pass it, when it gets into the House, the Manchester delegation in there has very definite feelings about what they will do with it."

On a *viva voce* vote, the affirmative prevailed, and the motion to suspend the rules carried.

Senator Adams spoke in favor of the report of the committee, Ought to pass:

"Mr. President, some stated at the hearing that they thought all the ward lines should be revised. I assume that may mean that they will kill the bill in the House. In view of these opinions, I can see no point in holding up action on the bill in here."

Senator Daniel in support of the committee report:

"Mr. President, I will concur with what Senator Adams has said. It is due to the fact that we do not have any member

in the Senate from Ward 9. Several are in favor of revising all the ward lines — they are split — half and half. I am agreeable to letting the House decide what to do with this bill. To be fair and square, I do believe that all the ward lines should be revised. I believe this question should be decided upon by the House. The aldermen all objected to this bill.”

Senator Packard spoke against the adoption of the committee report:

“Mr. President, I wish to be recorded on what I am going to say. I think that the Senator from the 19th District is a little bit confused with respect to Ward 9. Ward 9 is in my district, and as such, there is a very definite need for this additional ward which is proposed in this bill. However, it is my own personal opinion that there should be a complete revision of the ward lines of Manchester to more equalize the voting strength in the various wards which run from some 1300 voters in Ward 9 to approximately 3900 in Ward 6. This bill will take a considerable number of voters from Ward 6 and also from Wards 2 and 8. The aldermen from Ward 8 testified at the hearing that he was opposed to this bill. The alderman from Ward 2 did not appear. Inasmuch as Ward 2 is a part of my district, I am not too sure whether the people in that area are completely in favor of this. However, I think the explanation of the motion made by Senator Adams, that the House make its own set up on this bill, in my opinion, might be desirable. If the bill passes, I would like to be recorded as voting against the passage. But in the same respect as Senator Adams says, to give the House a chance, I will not oppose it too strongly at this time.”

Senator Daniel:

“Mr. President, to make a comment. The City Solicitor, Mr. J. Francis Roche, appeared before the Senate special committee on the Manchester bill and stated that he wished the Legislature to recommend for an interim commission to be appointed, composed of the Board of Mayor and Aldermen, the Board of Assessors and the Board of Registrars. He felt, as many aldermen felt, that was the proper way to handle the situation. He told us that no matter if the House passes this bill, he will not have time to set up the new ward and get all preparations ready for the next election. Again I will say that this is the House’s baby and let them decide. I do feel

that a complete study of all the wards is the proper approach to the situation."

On a *viva voce* vote, the affirmative prevailed, the report of the committee was accepted, and the bill ordered to a third reading.

Senator Packard desired to be recorded as having voted against the above entitled bill being ordered to a third reading.

### **Concurrent Resolution**

#### **Relating to Litterbugs**

The President called for consideration of the Concurrent Resolution relating to Litterbugs and asked the Senate Counsel for an opinion on the subject matter in accordance with Senator Adams' request of yesterday.

The Senate Counsel, Attorney Murphy, stated:

"The resolution merely expresses the opinion of the Senate and the House, or both branches, as to a growing problem. It is merely an indication of the opinions of those two bodies. Every day this Legislature, both House and Senate, passes various pieces of legislation and the resolution has no bearing on such legislation. The question asked was if by memorializing the judicial department with this resolution would we be interfering with their proper function. This resolution is merely an expression of the opinion of the House and Senate."

Senator DeLude:

"Mr. President, while I agree that it is not customary for us to memorialize the courts, this happens to be a particular court that cannot be approached in any other way."

(Discussion ensued)

Senator Bennett:

"Mr. President, in view of the various remarks expressed by the several Senators, I move that the above resolution be amended by striking out all reference to the courts so the resolution, as amended will read as follows:

### **Concurrent Resolution**

#### **Relating to Litterbugs**

*Whereas*, the citizens of the state of New Hampshire take great pride in the grandeur which nature has bestowed upon their state, and

*Whereas*, the citizens of the other 47 states and our good neighbors from Canada annually visit our state to enjoy these natural wonders, and

*Whereas*, a small minority of our citizens and tourists disfigure these natural beauties with trash and litter, especially along our roadsides, and

*Whereas*, the crews of the highway departments of the towns, cities, and state annually spend thousands of dollars removing this litter, and

*Whereas*, the various garden clubs and other civic and fraternal organizations devote much time and effort to beautifying our roadsides and improving picnic facilities, and

*Whereas*, records show that those who litter public places are subject to a fine not to exceed \$25.00, and

*Whereas*, there have been many arrests but few convictions and only upon the rarest of instances does anyone pay the maximum fine,

*Therefore Be It Resolved by the Senate and House of Representatives in General Court convened:*

*That* the General Court hereby memorializes the law enforcement officers of our state to enforce the laws currently in the statutes. Only stricter enforcing the law will encourage the litterbug to abandon his disfiguring work. The efforts of thousands of our citizens to improve the beauty of our roadsides are now laid to waste in a few thoughtless minutes by trash tossers and garbage heavers. The citizens of our state annually pay thousands of dollars in taxes to be spent removing the debris left by thoughtless fellow citizens. By the erection of hundreds of signs along the roadside, all have been made aware of the existence of an anti-litter law and the fine they may expect to pay.

Question being on the adoption of the amendment offered by Senator Bennett.

Senator Rainie:

“Mr. President, I want to say this that in most of the municipal courts of the state, especially the small courts, are very greatly influenced by the officer. Almost invariably the recommendation of the officer is adopted. Therefore, I believe if the amendment offered by Senator Bennett were adopted, the result would be satisfactory.”

Senator Lamontagne:

"Mr. President, I believe that Senator Rainie really has explained it very, very well and I think myself that it is something very odd to have both Houses telling the law enforcement officers what to do. I believe that they intend to use common sense in matters like this. I move that this Concurrent Resolution, with pending amendment, be laid upon the table and made a Special Order of Business for next Tuesday, June 18, at 11:01 o'clock."

On a *viva voce* vote, the motion carried.

### Concurrent Resolution Relative to the Winant Property

Senator DeLude:

"Mr. President, the resolution is printed in the Journal on Page 734. I spoke on this yesterday. I think perhaps I might give you one specific reason for offering this resolution. I don't believe that I should mention names publicly. However, as I said yesterday, there has been a lot of talk about the Winant property being a white elephant. I was told that a group was willing to pay \$75,000 for that property to be used for a special purpose. Many have stated that the bid on the property would be about \$40,000. One Senator has said that a willing buyer and a willing seller has a great deal to do with this. However, if a willing buyer feels that they may obtain something for a price much less, they are not going to pay the higher price for it. This is also a resolution that is not binding. But it would certainly show the intent of this Legislature that we do not intend to have the State purchase something for one price and sell it for another because they have bids and must sell it. By the passage of this resolution, people will know that we do not intend to sell this property for nothing. I understand that the attorney general's office is very busy and have a great deal of difficulty in getting things done before tonight. My intention was that the resolution might be amended to read 'a sum appreciably less than seventy-five thousand dollars.' The adoption of this amendment would be agreeable to me."

Question being on the adoption of the amendment?

On a *viva voce* vote, the Chair was in doubt and requested a division.

Fourteen Senators having voted in the affirmative, the Chair stated that the vote was manifestly in the affirmative and the amendment was adopted.

Question being on the adoption of the amendment as amended.

On the above question, Senator Packard demanded a roll call.

Senator Packard withdrew his demand for a roll call, but wished to be recorded as having voted against the Concurrent Resolution as amended.

On a *viva voce* vote, the Concurrent Resolution as amended was adopted.

On motion of Senator Adams, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 190, An Act relative to opening and closing of polls at primaries and biennial election in towns.

SB 159, An Act establishing a new ward for the city of Manchester.

The President recognized Senator Adams who asked the Chairman of the Public Works Committee, Senator Rogers, for an answer about SB 129, and when the bill might be expected to be reported out by that committee.

Senator Rogers:

"The Committee on Public Works had a hearing on one bill yesterday on which it took no action. It began about 3:30 and action was taken on one bill. There was no action taken on SB 129. The members of the committee were of the opinion that they required more time to consider this matter. The Chairman has not had an opportunity to read all of the documents that have been presented to him. Presumably, the matter will be brought up again at a later meeting."

On motion of Senator Humphreys, the Senate adjourned at 12:30 o'clock.

THURSDAY, JUNE 13, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed the following guests to the floor of the Senate:

As the guests of Senator English, his wife Dorothy and his son Joseph G. English, both of Hancock.

As the guests of the entire Senate, Mr. and Mrs. Harry H. Lugg of Rockville, Conn., accompanied by Russell G. Claflin, member of the House from Wolfeboro. Mr. Lugg is Chairman of the Connecticut Legislative Council.

As the guest of Senator Horner, her nephew Arnold Ham of Thornton.

### Communication

#### Report of Judicial Council on Senate Bill No. 158

#### (1957) An Act relative to keeping records by

#### Registers of Probate

*To the Honorable Senate:*

On May 7, 1957, you referred Senate Bill 158 to the Judicial Council for consideration with the request that our recommendations be reported to you during the present session of the Legislature. This bill proposes to amend RSA 548 by inserting a new section as follows,— “RSA 548:5-a. *Accounts Overdue.* The register of probate shall keep, in suitable books prepared for that purpose, a record of the time when accounts are due and shall advise the judge of all accounts which are overdue.”

The evident purpose of this bill is to establish in the Probate Court authority to supervise the closing of estates. One of the chief functions of probate laws and rules is to insure the orderly and expeditious settlement of estates. *Arnold v. Hay*, 95 N. H. 499; *Broderick v. Smith*, 92 N. H. 33, 37. It is equally important that this be true in practice as well as in theory in order to preserve and protect the assets of estates. In this connection, it should be observed that probate courts have only such authority and powers as are conferred upon them by statute. In the absence of statutory authority, the probate court is without power to take effective action. Instead of the procedure proposed by this bill our survey in-

dicates that the initial action should be directed to the fiduciary in default.

The statutes presently provide for the filing of accounts as stated periods by fiduciaries appointed by the probate court. Since 1947, it has been a condition of the bond of an administrator or executor that he "render the judge an account of administration upon oath within one year and annually thereafter unless excused by the judge of probate as provided by law until the final account is filed and allowed." (Laws 1947, 264:1; 553:13). Trustees of estates are also under duty annually to "render an account to the judge of probate of the annual income and profit" of the trust estate "unless excused by the judge of probate as provided by law," (1947, 264:3; RSA 564:II) and "at the expiration of the trust" to "adjust and settle his account with the judge." (RSA 564:1, III). Guardians are required "to render, upon oath, a true and just account of his guardianship, when thereto required, and to faithfully discharge his trust." (RSA 462:3). Fiduciaries are also required to file inventories "within three months from the date of the bond," either by statute (RSA 553:13; 564:1) or by terms of the bond. No accounting by a fiduciary to the probate court can be had without first determining the assets of the estate committed to his charge and, so the taking of an inventory is indispensable to a systematic accounting.

In practice, these requirements for accounting have not been generally complied with. In the past, many estates have been closed without an accounting by the fiduciary to the probate court, especially where the property passed to the decedent's immediate family and no minor children were involved. Frequently, the purpose in taking out administration was to collect the assets, such as bank deposits, or to transfer securities, and upon his appointment, the fiduciary would proceed to distribute the estate. The relative number of estates closed in this manner has been reduced in recent years because of federal and state taxes on estates and inheritances but even now, many small estates are settled without the filing of accounts. In view of changed conditions, we are of the opinion that fiduciaries hereafter appointed should either render an accounting of their administration as required by law or show good excuse for their failure. For fiduciaries heretofore appointed, our study indicates that a different procedure is advisable.



We accordingly recommend that in the future, fiduciaries be notified by the registers of probate when inventories and accounts are not filed as required by law or by the terms of the bond, and that if they fail to respond, the probate court taken action to compel compliance. The new draft of bill submitted herewith provides that if a fiduciary hereafter appointed by the probate court shall fail for thirty days to file an inventory or for ninety days to file an account of his administration as required by law, the register of probate shall give notice to him of his default by registered mail and, if he shall fail for thirty days thereafter either to file the inventory or account, or show good cause for such failure, the judge of probate may issue a citation to such fiduciary to appear before him, pursuant to the provisions of RSA 550:2.

To require notice to all fiduciaries heretofore appointed who have failed to make proper accounting would impose an impossible task upon the registers of probate. Furthermore, many such estates have been finally closed by the death of the fiduciary and interested parties. The purpose of the procedure now under consideration is to bring into probate court fiduciaries whose estates are open and unsettled. We believe that the registers of probate in giving notice to fiduciaries heretofore appointed, should be guided by the judges of probate who can, by rules and regulations, determine to whom notice of default shall be given. Our draft of the bill accordingly provides that the requirements for notice shall apply to such fiduciaries heretofore appointed as the judges of probate may provide by rules and regulations adopted in accordance with the provisions of Chapter 139, Laws of 1957. The new draft of bill also provides that the registers of probate, for services and expenses in giving each such notice, shall be entitled to a fee of three dollars, to be paid by the fiduciary upon receipt of notice.

In studying the bill referred to us, it appears that additional legislation is desirable to enlarge the powers of the probate courts over the administration of estates and to insure adequate and specific authority to enforce orders and decrees in cases of delinquent fiduciaries. The new draft, section 2, would empower the probate court, whenever it appeared necessary to protect the assets of an estate, to impound the books, records and assets of a fiduciary, to enjoin the withdrawal by him of any monies or deposits or the transfer of securities,

and to require him temporarily to invest the assets of the estate in approval securities or to direct their deposit in a suitable bank or institution. Section 3 of the new draft would enlarge the powers of probate courts on accounting by fiduciaries. It would empower the Court to compel the production of securities or monies entering into the accounting, to restore funds or property improperly applied or disposed of, and to make such transfer of monies or property as may be necessary to insure not only to the Court but also to the heirs or beneficiaries a full and proper accounting. This section also provides that the proceedings for accounting "shall be considered for all purposes to be proceedings in equity and order and decrees of a judge therein shall be enforceable accordingly."

The provisions of the new draft relating to the supervision of the closing of estates by the probate court in defining procedure, distinguishes between fiduciaries heretofore appointed and fiduciaries hereafter appointed. For convenience in administering these provisions, a readily ascertainable date seems advisable. The new draft accordingly is drawn to take effect June 30, 1957.

Respectfully submitted,

THE JUDICIAL COUNCIL  
ROBERT W. UPTON,  
*Chairman.*  
RAE S. LARABA,  
*Secretary.*

#### AN ACT

relating to probate courts

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1. *Register of Probate.* Amend RSA 548 by inserting after section 5 the following new section: 548:5a.

*Notice to Fiduciaries:* If a fiduciary hereafter appointed by the probate court shall fail for thirty days to file an inventory or for ninety days to file an account of his administration, as required by law, the register of probate shall give notice to him of his default by registered mail, and if he shall fail for thirty days thereafter either to file the inventory or his account, or show good cause for such failure, the judge of

probate may issue a citation to such fiduciary to appear before him pursuant to the provisions of RSA 550:2. The requirements hereof shall apply to such fiduciaries heretofore appointed as the judges of probate may prescribe by rules and regulations adopted pursuant to the authority conferred by Chapter 139, Laws of 1957. A register of probate for services and expenses in giving notice hereunder, shall be entitled to a fee of three dollars, which shall be paid by the fiduciary forthwith.

2. *Enforcement of Orders, etc.* Amend RSA 547:11 by adding at the end of the section the following:

“Whenever it appears necessary to preserve or protect the assets of any estate, the judge, on application or upon his own motion, may impound the books, records and assets of any fiduciary or may enjoin the withdrawal of any moneys or deposits or transfers of any securities by any fiduciary, or may direct the temporary investment of the assets of any estate in securities approved by the judge or require them to be deposited in any bank or institution authorized to receive deposits,” so that said section as amended shall read as follows:

547:11. *Enforcement of Orders, etc.* The judge shall have power to enforce all orders and decrees made by him in the exercise of any authority or jurisdiction conferred upon him, and to punish contempts of his authority, as the superior court has in like cases. Whenever it appears necessary to preserve or protect the assets of any estate, the judge, on application or upon his own motion, may impound the books, records and assets of any fiduciary or may enjoin the withdrawal of any moneys or deposits or transfers of any securities by any fiduciary, or may direct the temporary investment of the assets of any estate in securities approved by the judge or require them to be deposited in any bank or institution authorized to receive deposits.

3. *Authority on Accounting by Fiduciaries.* Amend RSA 547 by inserting after section 11 the following new section: 547:11-a. *Authority on Accounting by Fiduciaries.* In any accounting by an executor, administrator, trustee, guardian, or other fiduciary, the judge may require him, or any of them if there are more than one, to produce during the proceedings or afterward, as he may direct, any securities or

moneys comprised in the account or any documents relating to the investments of the estate, and to replace any moneys or property that have been improperly applied or disposed of, or the value thereof, and to pay or transfer the same or any moneys or property with which the fiduciary or fiduciaries may be charged into a proper account or otherwise, as he may order, in such manner that the same shall be in the control of the persons entitled thereto; and the proceedings upon every such account shall be considered for all purposes to be proceedings in equity, and orders and decrees of the judge therein shall be enforceable accordingly.

4. *Takes Effect.* This act shall take effect June 30th, 1957.

### House Message

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 384, An Act relating to taxation in Pittsburg and Clarksville.

HB 407, An Act to revise the charter of the city of Rochester.

HB 433, An Act relative to Troy water works.

HB 436, An Act relative to marriage of epileptic persons.

### Introduction, First and Second Reading of House Bills

HB 384 to the Committee on Finance.

HB 407 to the Committee on Ways and Means.

HB 433 to the Committee on Ways and Means.

HB 436 to the Committee on Public Health, Welfare and State Institutions.

### House Message (continued)

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 164, An Act legalizing the special actions taken at the special meeting of Hopkinton School District, February 6, 1957, and authorizing certain indebtedness.

The House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to

the following Senate bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 82, An Act relative to salaries of the justice and special justice of Nashua municipal court.

On motion of Senator Daniel, the reading of the amendments was dispensed with.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Nashua Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1, 182:1, 279:1, 296:1, 1957, 66:1, 1957, 83:1, 1957, 108:1, 1957, 125:1 and by an act relative to justices of the Laconia municipal court, by striking out the words "In Nashua, three thousand dollars" and inserting in place thereof the words, In Nashua, four thousand dollars, so that said paragraph as amended shall read as follows: I. Salaries of justices of municipal courts shall

Further amend said section 1 by striking out the words "In Portsmouth, two thousand five hundred dollars" and inserting in place thereof the words, In Portsmouth, three thousand dollars; by striking out the words "In Laconia, one thousand eight hundred dollars" and inserting in place thereof the words, In Laconia, three thousand dollars;

Further amend said section by striking out the last line and inserting in place thereof the following:

In Hampton, one thousand dollars;

In Milford, six hundred dollars;

In Haverhill, eight hundred dollars;

In Salem, one thousand dollars.

Amend section 2 of said bill by striking out the first four lines and inserting in place thereof the following:

2. *Special Justices.* Amend RSA 508:8 (supp) as amended by 1955, 253:1, 1957, 125:2 and by an act of this session relative to justices of the Laconia municipal court by striking out the words "of Nashua seventeen hundred dollars" and inserting in place thereof the words, of Nashua two thousand five hundred dollars, so that said section as amended shall read as follows:

Further amend section 2 of said bill by striking out the words, "Hampton one hundred and fifty dollars" and inserting in place thereof the words, Hampton three hundred and fifty dollars; and by striking out the words "of Laconia two hundred dollars" and inserting in place thereof the words, of Laconia five hundred dollars.

On motion of Senator Daniel, the Senate voted to concur in the adoption of the amendments to the above entitled bill, sent up from the House of Representatives.

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 60, An Act to determine the responsibility for the intentional or negligent contribution to the delinquency of a minor.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act to determine the responsibility for the intentional or negligent contribution to the delinquency of a minor.

Amend the sub-heading of RSA 169:31, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the words, Intentional or Negligent Contribution to Delinquency.

Further amend said RSA 169 by inserting after section 34, as inserted by section 1 of the bill, the following new section:

169:35. *Civil Action for Compensation.* Nothing in this subdivision shall bar civil action to recover damages for the negligence of a person having custody or control of a minor who causes injury to property or persons, but the damages so recovered shall be reduced by the amount of compensation which the plaintiff may have previously been awarded under the provisions of the foregoing section.

Amend said bill by inserting after section 2 the following new section, and by renumbering section 3 to read section 4:

3. No minor shall be issued a driving license or registration of a motor vehicle unless the person or persons legally

liable for his support and care give written permission for the issuance of such license or registration or insurance coverage is presented at the time of application.

On motion of Senator Holmes, the reading of the amendments was dispensed with.

Senator Cleveland:

"Mr. President, I will explain the amendments. One is to change the title of the bill. The other amendment is to require that these children, before they get their licenses, must have their parents' consent. Those are the only two amendments. I went over these amendments quite carefully with the attorney general. I move that the Senate concur in the adoption of the amendments sent up from the House of Representatives."

Senator Karkavelas:

"Mr. President, I am in opposition to the motion. I believe that the matter of juvenile delinquency is a great problem. It was extensively debated in the House. Many people think that we should not concur, but should ask for a Committee of Conference."

Senator Cleveland speaking a second time:

"Mr. President, on my motion, I was unaware that Senator Karkavelas was going to in effect make this motion. I would urge concurrence. It is the feeling of the sponsor of the bill, the attorney general, and it is my own feeling, and I think it should be the feeling of the Senate. What it amounts to is this — are we going to make parents responsible for their children. The House decided decisively yesterday that they did not want to take this step. First of all, it limits it to the fact that it has to do with some act of juvenile delinquency and limits the fine to \$500. The people who want non-concurrence want to make it absolutely liable. I do not believe that anything will be gained by rehashing this. If it goes to a Committee of Conference, we may lose all that we have gained. I hope the Senate will vote to concur and put this matter to rest for the remainder of this session."

Senator Karkavelas:

"Mr. President, I move that the matter of concurrence be

made a Special Order of Business for Tuesday, at 11:02 o'clock."

Question being on the motion of Senator Karkavelas.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 145, An Act relative to the salaries of Strafford, Sullivan and Belknap county solicitors.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the salaries of Strafford, Sullivan and Belknap county solicitors.

Amend section 1 of said bill by striking out the words "In Belknap, eighteen hundred dollars" and inserting in place thereof the words, In Belknap, two thousand dollars, so that said section as amended shall read as follows:

1. *County Solicitors.* Amend RSA 7:35 (supp) as amended by 1955, 247:2 and 1957, 34:1 by striking out said section and inserting in place thereof the following: 7:35. *Salaries.* The annual salaries of the solicitors in the several counties shall be as follows:

In Rockingham, twenty-two hundred dollars.

In Strafford, twenty-five hundred dollars.

In Belknap, two thousand dollars.

In Carroll, two thousand dollars.

In Merrimack, twenty-five hundred dollars.

In Hillsborough, thirty-three hundred dollars.

In Cheshire, two thousand dollars.

In Sullivan, two thousand dollars.

In Grafton, twenty-four hundred dollars.

In Coos, twenty-four hundred dollars.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Takes Effect.* The increase in salary for the Belknap county solicitor as provided in section 1 shall be effective as of January 1, 1957, the increase for the Sullivan county



solicitor shall be effective as of January 1, 1958 and the remaining provisions of this act shall take effect as of July 1, 1957.

On motion of Senator Karkavelas, the reading of the amendment was dispensed with.

Senator Karkavelas:

"Mr. President, this bill is in reference to the salary of the county solicitor which we passed a week ago and the amendment adds Belknap county to it. I move that we concur."

Senator Rogers:

"Mr. President, I am in support of the motion. I am in favor of the increase in salary of the Belknap county solicitor. This has been approved by the House."

Question being on the motion to concur.

On a *viva voce* vote, the affirmative prevailed, and the Senate concurred in the adoption of the amendment to the above entitled bill, sent up from the House of Representatives.

### Committee Reports

HB 299, An Act relative to benefits under policemen's retirement system. Report of the Committee on Engrossed Bills (Senator Holmes): Under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend the first line of section 1 by inserting after the figure "103:7" the following: as amended by 1957, 50:2.

Amend the first line of section 2 of said bill by inserting after the figure "103:12" the following: as amended by 1957, 50:3.

Amend the first line of section 3 of said bill by inserting after the figure "103:14" the following: as amended by 1957, 50:4.

Question being on the adoption of the amendment.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

SJR 1, Joint Resolution in favor of Margaret C. Coll. Report of the Committee on Claims (Senator Lamontagne): Ought to pass.

Senator English:

"Mr. President, Margaret Coll has been a teacher in New Hampshire since 1921. In 1945, she joined the Teachers' Retirement System. Through illness, she lost her membership in the retirement system under RSA chapter 192:8. Since 1955, she has been reinstated and has since continued to teach. Her claim, ably supported by Attorney Harry Lichman of Keene and Harold Weeks of Hinsdale, is to have her reinstatement date to 1945. She agrees to pay in the amount due. The claim was disputed by a representative of the Retirement System largely on the grounds that it might set a precedent. The committee, after very considerable consideration of all aspects, unanimously found that her case had peculiar merit, particularly as she had been a faithful teacher since 1921 and her forced retirement from the system was based upon circumstances beyond her control. The claim is a charge, less her due contributions, upon the Retirement System. I strongly urge favorable consideration of her case."

Senator Humphreys:

"Mr. President, I think that I can safely say that there is no state appropriation necessary. There is a reserve fund set up for each teacher. It is just a matter of bookkeeping. There are a lot of teachers who drop out of the system who have reserve funds. Those funds accrue to the System. There is plenty of money for the Retirement System to take care of it."

(Discussion ensued)

Senator Bennett suggested in view of the many opinions on this matter that it might be wise to re-commit the joint resolution to the Committee on Finance.

Senator Lamontagne spoke against the motion to re-commit.

Senator Merrill spoke against the motion to refer the joint resolution to the Finance Committee, stating that he believed that the people who have already considered it have all the facts and have stated them clearly. Stated that he had complete confidence in the Claims Committee and believed that they have considered it carefully.

Senator Bennett:

“Mr. President, in view of the remarks of Senator Merrill, I will ask to withdraw my motion to re-commit.

This request was granted by the Chair.

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HB 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of said projects.

Report of the Committee on Finance (Senator Merrill): Ought to pass.

Senator Merrill explained the bill.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

The Chair declared a three minute recess.

(Recess)

The Senate re-assembled.

The President recognized Senator Cleveland, who stated in view of the fact that he had received additional information relative to SJR 1, stated that he wanted the records to show that he voted against this resolution. Senator Cleveland moved that any further consideration of SJR 1 be made a Special Order of Business for next Tuesday, at 11:03 A. M.

The Chair ruled that the above motion was out of order in view of the fact that the joint resolution had been ordered to a third reading.

Senator Cleveland withdrew his motion.

On motion of Senator Lamontagne, the Senate voted to reconsider its vote whereby the above joint resolution was ordered to a third reading.

On further motion of the same Senator, the joint resolution was recommitted to the Committee on Claims.

SB 163, An Act relating to the salaries of registers of probate. Report of the Committee on Finance (Senator Merrill): Ought to pass with amendment.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Salaries of Registers of Probate.* Amend RSA 548 by striking out section 17 and substituting therefor the following:

17. *Salaries.* The annual salaries of the registers of probate in the several counties shall be paid by the state and shall be as follows:

For Rockingham county, three thousand three hundred dollars.

For Strafford county, three thousand one hundred dollars.

For Belknap county, two thousand six hundred dollars.

For Carroll county, two thousand six hundred dollars.

For Merrimack county, three thousand three hundred dollars.

For Hillsborough county, three thousand five hundred dollars.

For Cheshire county, two thousand six hundred dollars:

For Sullivan county, two thousand six hundred dollars.

For Grafton county, three thousand one hundred dollars.

For Coos county, two thousand six hundred dollars.

On motion of Senator Merrill, the reading of the amendment was dispensed with.

Senator Merrill explained the bill and the amendment in detail.

On a *viva voce* vote the amendment was adopted.

Senator Merrill offered the following amendment:

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect as of July 1, 1957.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 162, An Act relating to the salaries of deputy registers of probate. Report of the Committee on Finance (Senator Merrill) : Ought to pass with amendment.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Salaries of Deputy Registers of Probate.* Amend

RSA 548 by striking out section 19, as amended by Laws of 1957, chapter 44, and by substituting therefore the following: 19. *Salaries of Deputies.* The annual salaries of the deputy registers of probate in the several counties shall be paid by the state and shall be as follows:

For Hillsborough County, minimum, \$3,540, maximum, \$4,020; for Rockingham and Merrimack counties, minimum, \$3,300, maximum, \$3,780; for Strafford and Grafton counties, minimum, \$3,000, maximum, \$3,490; and for Belknap, Carroll, Cheshire, Coos and Sullivan counties, minimum, \$2,340, maximum, \$2,820. Each deputy, upon qualifying, shall receive the minimum salary authorized herein and shall be entitled to an annual increase in salary of \$120 until the maximum is reached, except that deputies now in office shall be entitled to receive the minimum salary increased by the sum of \$120 for each year of service prior to the enactment hereof but not exceeding the maximum provided herein.

Senator Merrill explained the bill and the amendment in detail.

On a *viva voce* vote, the amendment was adopted.

Senator Merrill offered the following amendment:

Amend Section 2 of the bill by striking out the same and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect as of July 1, 1957.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 45, An Act providing for a deputy superintendent at Laconia State School. Report of the Committee on Finance (Senator Merrill): Ought to pass.

Senator Merrill explained the bill in detail.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 174, An Act relative to use of funds held by the trustees of the Boscawen Academy in Boscawen. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 379, An Act relative to preparing and distributing a peace officer's manual. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

Senator Rainie explained the bill.

The Chair stated that he would refer the above bill to the Committee on Finance in view of the fact that there was an appropriation of \$3,000.

On motion of Senator Adams, the order whereby the above entitled bill was referred to the Committee on Finance was vacated, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 111, An Act relative to liability for the use of high explosives. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass with amendment.

*Senate Bill 111.* Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *High Explosives, Liability for.* Amend Chapter 158 RSA (supp) as amended by Chapter 190, Laws of 1955, by inserting after Section 9: Possession of Explosives, the following new section: 158:9a. *Liability for the Use of Explosives.* The use of high explosives as defined in this Chapter is declared to be extra hazardous, and any person so using the same shall be absolutely liable for injury sustained by any person or for damage to his property arising therefrom, to be recovered in an action on the case.

2. This act shall take effect 60 days after passage.

Senator Rainie explained the bill and the amendment.

(Discussion ensued)

On motion of Senator Rainie, further consideration of this bill was made a Special Order of Business for next Wednesday at 11:01 o'clock.

SB 168, An Act relative to sale of dangerous weapons. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass with amendment.

Amend said bill by striking out section 2 of said bill; and further amend said bill by renumbering section 3 to read section 2.

Senator Rainie explained the bill and the amendment.

(Discussion ensued)

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 121, An Act authorizing municipalities to require the repair, closing or demolition of housing unfit for human habitation and to establish and enforce housing standards. Report of the Committee on Judiciary (Senator Humphreys): Inexpedient to legislate.

Senator Cleveland explained the bill and stated:

"There is no question, this type of legislation is not for this session of the General Court, at least. This report was the report of an overwhelming majority of the Judiciary Committee. I feel that the subject matter of this legislation is good and should be acted upon."

Senator DeLude:

"Mr. President, I wish to be recorded as being in favor of this type of legislation. I believe that there are many small communities who would like to go ahead with this type of action, but in view of the fact that they would be outstanding or unique in doing it, they cannot get support for local laws for this sort of thing. I do believe that legislation of this sort is a necessary thing and I would hope that in the future, we might come up with something."

Senator Rainie:

"Mr. President, I introduced this at the suggestion of Planning and Development. I went over these bills very carefully with those members of the Department who had the responsibility of drawing it. It seemed to me, as other Senators have said, that there is really something worthwhile in these bills. I am not speaking in favor of the adoption of this but I would like to say that at some time in the future, we will want to have the authority to destroy buildings that are a menace to the community. This would not have been imposed on any community without their consent. I offer no serious objection to this, but I will ask to be recorded as being in favor of the bill."

On a *viva voce* vote, the resolution of the Committee on Judiciary, Inexpedient to legislate, was adopted.

The following named Senators wish to be recorded in opposition to the adoption of the resolution:

Cleveland, DeLude, Rainie and Bennett.

SB 141, An Act authorizing rehabilitation work in redevelopment projects. Report of the Majority of the Committee (Senators Karkevelas, Lamontagne, Paquette and Rhodes): Inexpedient to legislate. Report of the Minority of the Committee (Senators Cleveland, Holmes and Humphreys): Ought to pass with amendment.

Senator Cleveland moved that the report of the Minority "Ought to pass with amendment" be substituted for that of the Majority "Inexpedient to legislate", and spoke in support of the motion.

Senator Lamontagne spoke in opposition to the motion to substitute.

Senator Packard spoke against the motion:

"For the benefit of the Senate, this type of legislation, to my mind, has one basic thought and reason — whether we are going to preserve the right of the individual or whether we are going to have socialistic legislation. I hope that the Senate will turn down this type of legislation."

Senator DeLude:

"Mr. President, I am not going to speak either for or against either report. However, it seems to me that we are putting the cart before the horse. It seems to me the way to correct this situation is to do something constructive toward our low income families. You can't show me a single family or an individual who would not prefer to live in decent quarters, if they could afford it. It is our job to do everything possible to see to it that they are helped by better income, etc."

Senator Karkavelas agreed with Senator DeLude and spoke in favor of the adoption of the Report of the Majority of the Committee and against the motion to substitute.

Senator Rogers spoke in favor of the passage of legislation of this type and in favor of the motion.

Senator Humphreys spoke in favor of the motion to substitute.



Senator Bergeron moved that the above entitled bill with the accompanying reports be laid upon the table.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Thirteen Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed.

Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Anderson, Rhodes, English, Paquette, Packard, Provost, Daniel, Bergeron, Karkavelas and Adams.

The following named Senators voted in the negative: Bennett, Rogers, Cleveland, DeLude, Holmes, Rainie, Merrill and Humphreys.

Fourteen Senators having voted in the affirmative and eight Senators having voted in the negative, the affirmative prevailed, and the motion carried.

SB 181, An Act relative to mortgage loans by savings banks which are guaranteed or insured by federal agencies. Report of the Majority of the Committee on Judiciary (Senators Humphreys, Karkavelas and Rhodes): Inexpedient to legislate. Report of the Minority of the Committee on Judiciary (Senators Cleveland and Lamontagne): Ought to pass.

Senator Cleveland moved that the report of the Minority "Ought to pass" be substituted for the report of Majority "Inexpedient to legislate", and spoke in favor of the motion.

Senator Merrill presiding.

Senator Adams spoke in favor of the motion to substitute.

Senator Rogers spoke against the motion to substitute.

Senator Karkavelas spoke against the motion:

"I wish to be recorded as an opponent of the passage of Senate Bill No. 181. The reasons for my objections are as follows:

1. The present investment law in New Hampshire allows 75% of the deposits to be invested in real estate loans. This percentage is most liberal. In fact, higher than most other New England states.

2. The present percentage of 75% of deposits will allow

all the savings banks in this state, I feel sure, to take care of their mortgage demands for the next two years without changing the present law.

As of June 30, 1956, the 53 savings banks and savings departments of trust companies held mortgages amounting to \$288,649,060.41, or 58.55% of deposits."

Senator Packard spoke against the motion to substitute and stated that he hoped the bill would be defeated.

Senator O'Brien spoke against the motion to substitute.

Senator Ferguson presiding.

Senator Adams moved that the bill with the accompanying reports be made a Special Order of Business for next Wednesday at 11:02 and spoke in favor of the motion.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Thirteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion carried.

HB 2, An Act relative to the salaries of the special justice of Portsmouth municipal court. Report of the Committee on Judiciary (Senator Humphreys: Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Portsmouth Municipal Court.* Amend RSA 502:8 (supp) as amended by 1955, 253:1, and 1957, 125:2 and an act of this session relative to Nashua municipal court, by striking out the words "of Portsmouth four hundred dollars" and by adding at the end of said section the words, Provided further that the annual salary of the special justice of the municipal court of Portsmouth shall be four hundred and fifty dollars, and in addition he shall be paid ten dollars a day for each day or part thereof that he shall serve in said capacity, so that said section as amended shall read as follows:

502:8. *Compensation of Special Justices.* The special justice and justice of the peace requested to sit owing to the disqualifications of the justice and special justice shall be paid, from the treasury of the city or town wherein said court is located, ten dollars a day for each day or part thereof that he shall serve in said capacity, provided that the annual

salaries of the special justices of the municipal courts of the following cities and town shall be as follows, of Manchester two thousand dollars, of Nashua two thousand five hundred dollars, of Dover two hundred dollars, of Concord one thousand dollars, of Laconia five hundred dollars, of Somersworth two hundred dollars, and of Hampton three hundred and fifty dollars, to be paid by said cities and towns, respectively, quarterly, and shall be in lieu of any other compensation or fees to such justices; provided, further, that the special justice of the municipal court of Berlin shall be paid from the treasury of the city six hundred dollars per annum; provided, further that the annual salary of the special justice of the municipal court of Portsmouth shall be four hundred and fifty dollars, and in addition, he shall be paid ten dollars a day for each day or part thereof that he shall serve in said capacity.

2. *Takes Effect.* This act shall take effect July 1, 1957.

On motion of Senator Humphreys, the reading of the amendment was dispensed with.

Senator Humphreys explained the bill and the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 36, Joint Resolution for the protection of the Old Man of the Mountain. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass.

The President referred the above joint resolution to the Committee on Finance.

SB 154, An Act relative to lumber cut reports. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

Amend the bill by striking out in section 1, line 3, the word "shall" and inserting in place thereof the word, may, so that said section as amended shall read as follows: 1. *Reports to Forestry and Recreation Commission.* Amend RSA 225 by inserting after section 10 the following new section: 225:10-a. *Suspension of Registration.* The commission may suspend the registration hereunder of any person who fails by

January thirty-first to make the report of lumber cut as required by section 10. Such suspension of registration shall continue until such report has been filed.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

Senator Bennett explained the bill, and the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Humphreys offered the following resolution:

"I move that the Senate Counsel be instructed to investigate and study the provisions of SB 141, An Act authorizing rehabilitation work in redevelopment projects, to determine who, under the terms of the present law as amended by this bill and further amended by the amendment submitted by the minority of the committee, would pay for the so-called 'compulsory' repair and rehabilitation or other improvements and also determine the proper interpretation as to exactly what compulsion would be involved under the terms of this bill and that the Senate Counsel report his findings to the Senate on or before Wednesday, June 26."

On a *viva voce* vote, the above resolution was adopted.

Senator Packard moved that the Senate go into afternoon session and all unfinished business be taken under consideration next Tuesday morning at 11:00 o'clock, and spoke in favor of same.

(Discussion ensued)

Senator DeLude spoke against the motion.

Senator Bennett spoke against the motion.

Senator Daniel spoke against the motion.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

HB 256, An Act relative to advertising by motels, cabins and motor courts. Report of the Committee on Resources, Recreation and Development (Senator Horner): Inexpedient to legislate.

Senator Bennett spoke in favor of the adoption of the resolution of the committee, Inexpedient to legislate.

On a *viva voce* vote, the affirmative prevailed, and the resolution of the committee was adopted.

SB 192, An Act relative to acquisition of recreational area in Monadnock region. Report of the Joint Committee on Resources, Recreation and Development and Finance (Senator Horner): Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to acquisition of recreational area in Monadnock area.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Commission Established.* There shall be a commission of nine members appointed as follows, whose duty it shall be to make a study of the Monadnock area with a view to the establishment of a state park for the purpose of providing additional recreational facilities for the public. Three members of said commission shall be designated by the speaker of the house of representatives; two members shall be designated by the president of the senate and four members shall be designated by the governor. Only those persons who are residents of the Monadnock area shall be eligible for appointment to said commission, provided that two of the persons appointed by the governor may be from any other section of the state.

2. *Powers and Duties.* Said commission shall consider and investigate such sites for recreational areas as may be found which would reasonably be self-supporting.

3. *Compensation.* The members of said commission shall serve without compensation.

4. *Report; Acquisition of Site.* If the commission is of the opinion that an area can be developed in the Monadnock area, as above indicated, which may be purchased within the limits of the appropriation provided in section 5, it shall recommend to the governor and council that the state acquire the site as recommended. The governor and council may acquire the site so recommended by the commission. When the area has been acquired it shall be improved and maintained under the jurisdiction of the recreation division of forestry and recreation.

5. *Appropriation.* The unexpended balance of the appropriation of \$250,000 for acquisition of land and improvements thereon at Spofford Lake as provided by section 2, chapter 337, Laws of 1955, is made available and may be expended for the acquisition of land and improvements thereon at the recreational site in the Monadnock area as acquired under the authority of this act. The division between land and improvements set forth in chapter 337, Laws of 1955, section 2, shall not apply, and the acquisition cost of the land shall be a charge against general funds.

6. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

Senator Bennett explained the bill and the amendment and spoke in favor of the adoption of the amendment.

Senator Rogers offered the following amendment:

Amend Section 2 of said bill by adding at the end thereof the words, in such consideration the commission shall first investigate the properties around Otter brook, so that said section as amended shall read as follows:

2. *Powers and Duties.* Said commission shall consider and investigate such sites for recreational areas as may be found which would reasonably be self-supporting in such consideration the commission shall first investigate the properties around Otter brook.

On a *viva voce* vote, the amendment to the amendment was adopted.

On a *viva voce* vote, the amendment offered by the committee was adopted.

Senator Packard moved that the entire bill be indefinitely postponed and spoke in favor of the motion.

(Discussion ensued)

Senator Adams spoke in support of the motion.

Senator Daniel spoke in support of the motion.

Senators Rogers and Rhodes spoke against the motion.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Mutual Aid.* Amend chapter 154, RSA, by inserting after section 30 the following new subdivision and by re-numbering sections 31 to 34 inclusive, as sections 38 to 41 inclusive:

#### **District Fire Mutual Aid Systems**

154:31. *Formation.* Whenever ten or more municipalities within the state shall have voted to authorize their respective fire departments to render outside aid as provided in the preceding subdivision, they may, if they so desire, form a district fire mutual aid system, which shall be a public municipal corporation. They may petition the state fire marshal in writing to call the organization meeting of the system.

154:32. *Organization.* Upon receipt of such a petition, the state fire marshal shall call the first or organization meeting of the system by giving written notice to the chief of each fire department in the system and may invite private fire departments within the designated area to join in the meeting by giving similar notice to them. Each fire department shall send one delegate to the organization and subsequent meetings and shall be entitled to one vote in all proceedings. The delegate shall be the chief of each fire department or such alternate as he may designate. At the organization meeting, the members of the system shall adopt articles of association and by-laws and regulations for the future government and operation of the system which shall be effective upon submission to and approval by the attorney general, who shall cause the same to be recorded by the secretary of state. The system shall be deemed to have been formally established upon such recording. The organization meeting shall also elect a board of directors consisting of such number as they may determine. Delegates and directors need not be residents if they own real estate within the state. The board of directors shall

be the governing body of the system and shall serve for terms of one year and until their successors are elected and qualify. The directors shall choose from their number the officers of the system, who shall have such duties and powers as the by-laws provide. Within the limits of available funds, the directors may employ and fix the compensation of agents and other necessary personnel, who shall serve at their pleasure and have and exercise such powers and authority as they may delegate to them.

154:33. *Powers and Duties.* A district fire mutual-aid system shall coordinate the services of all fire departments belonging to it so as to provide better and more efficient cooperation in the protection of life and property against fire within the area which it comprises. It may establish an overall plan or plans for such coordination. Within the limits of available funds, it may acquire and operate property and equipment, including a dispatch center and a communications service, and may extend the advantages of group purchasing and benefits to departments in the system. It may provide and operate training programs for firemen and others. It shall cooperate with other state agencies and with the civil defense authorities, state and local. The state fire marshal may render advice, recommendations and assistance to the system, on request.

154:34. *Joining and Withdrawal.* Additional municipalities within the state may join the system, as provided in the preceding sub-division, and shall be received as members subject to the approval of the board of directors. Municipalities which do not have active fire departments may be admitted as members upon such conditions as the board of directors may fix. Private fire departments within the state may also be accepted as members, with equal voting rights, by the board of directors, under such arrangements as are mutually agreed upon. A municipality or private fire department may, by vote of its governing board, withdraw from the system but such withdrawal shall not be effective until ninety days after written notice of such withdrawal shall have been delivered to one of the officers of the system.

154:35. *Limitation of Liability.* There shall be no liability imposed by law on the system or on any municipality, on



the personnel of its fire department, nor on any private fire department or its personnel, belonging to such a system, for failure to respond or to respond reasonably for the purpose of extinguishing any fire. This immunity is not intended to be exclusive of other immunities existing by statute or at common law.

154:36. *Appropriations.* Municipalities belonging to such a system may raise and appropriate money for the purposes of the system. Counties in which a system is established may raise and appropriate money for the purposes of the system, provided that all the municipalities within the county belong to the system.

154:37. *Definition.* The term "private fire department" as used herein shall include fire organizations operated by industries and establishments for self-protection and also non-profit volunteer fire associations. Nothing contained in this sub-division shall be construed to interfere with the exclusive jurisdiction vested by law in the state forester and his subordinates over forest fires as provided in RSA, chapter 224, nor to affect the laws governing prevention or extinguishment of forest fires.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

Senator Bennett explained the bill and the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 178, An Act relative to the reimbursement to the White Mountain National Forest for forest fire expenses. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to reimbursement for forest fire expenses.

Amend section 1 of said bill by striking out the words "White Mountain National Forest" in line 3 and lines 8 and 9,

and inserting in place thereof the words, the United States, so that said section as amended shall read as follows:

1. *Liability for Fires Without Permit.* Amend RSA 224:28 by striking out the words "or the state or both" and inserting in place thereof the words, the United States, or state or any or all of the same, so that said section as amended shall read as follows: 224:28. *Liability for Fires Without Permit.* Any person causing or kindling a fire without permit of the forest fire warden, when such permit is required, and any person by whose negligence or the negligence of his agents any fire shall be caused, shall be liable in a civil action for the payment to the town, or state or the United States, or any or all of the same, of the expenses incurred by the forest fire warden or deputy warden in attending or extinguishing such fire. The items of expense of said fire shall be approved in writing by the state forester.

On motion of Senator Rogers, the reading of the amendment was dispensed with.

Senator Rogers explained the bill and the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Packard, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

HB 154, An Act relating to the equipment of motor buses. Report of the Committee on Transportation (Senator Packard): Ought to pass.

Senator Packard explained the bill.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to permit the introduction of a Senate bill.

#### **Introduction, First and Second Reading of Senate Bill**

SB 200, An Act relating to approved schools of hairdressing. Introduced by Senator DeLude.

Referred to the Committee on Public Health, Welfare and State Institutions.

**Special Order of Business at 11:01**

Senator O'Brien called for the Special Order.

Question being on the adoption of the Concurrent Resolution concerning the Status of Forces Treaties as amended.

**Concurrent Resolution****Concerning the Status of Forces Treaties**

*Whereas* the members of our armed forces serving abroad in more than fifty countries, their civilian components and the dependents of each, are now subject in varying and confusing respects to the criminal jurisdiction of those countries by reason of the NATO Status of Forces Treaty, the Administrative Agreement with Japan, and Executive Agreements with other nations, and

*Whereas* these agreements in some instances penalize our servicemen for foreign service by depriving them of many of the rights granted by our Constitution, which they are sworn to defend, and

*Whereas* it is difficult for a serviceman accused of transgression in a foreign country to receive a fair and impartial trial because of the varying and confusing systems of jurisprudence which make it difficult and sometimes impossible for him to receive the protection of all of the rights and guarantees our Constitution, and further because of the prejudice and animosity sometimes existing against our men, and

*Whereas* legislation has been introduced in both the Senate and the House of Representatives of the United States to direct the President to seek a modification of all such agreements, now therefore be it

*Resolved*, by the Senate and House of Representatives in General Court convened that we are deeply and gravely concerned by the possible deprivation of the basic constitutional rights of our servicemen by virtue of present arrangement and we urge the Congress of the United States to study this problem carefully and enact the legislation either now pending, or to be presented, to safeguard and secure the constitutional rights of our servicemen and their dependents while serving the United States in foreign countries, now therefore be it further

*Resolved*, that the Secretary of State be, and he hereby is,

directed to send a duly certified copy of these resolutions to our senators and representatives in the United States Congress.

Senator O'Brien spoke in favor of the adoption of the resolution as amended.

Senator Rainie and English spoke against the adoption.

Senator Lamontagne, Senator Cleveland and Senator Daniel spoke in favor of the adoption.

On a *viva voce* vote, the affirmative prevailed, and the Concurrent Resolution as amended was adopted.

On the above, Senator Karkavelas demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Cleveland, DeLude, Anderson, Rhodes, Holmes, Paquette, Packard, Provost, Daniel Bergeron, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: English and Rainie.

Nineteen Senators having voted in the affirmative, and two Senators having voted in the negative, the affirmative prevailed, and the Concurrent Resolution was adopted.

On motion of Senator Bennett, the following resolution was unanimously adopted:

### Resolution

*Whereas*, we learn that today, June 13, is the birthday of the Honorable Senator from the Seventh District, and

*Whereas*, we understand that he is delightfully close to qualifying for membership in the Jack Benny Club, now therefore be it

*Resolved*, that the Honorable Senate offer its sincere congratulations on this presumably happy occasion.

Senator Cleveland presiding.

Senator Cleveland read the following prepared statement:

Senators Cleveland and Adams, joint sponsors of Senate Bill 181, denounced 1929 thinking on the part of opponents of legislation designed to authorize more Veterans' and F.H.A. loans.

We view with disfavor and regret the dog-in-the-manager attitude of the banks opposing SB 181. Many New Hampshire

banks which are soundly managed want this legislation. Why should the banks who feel that they do not need this added authority stand in the way of those who would like to have it?

The opposition speaks of 1929 and runs on banks. Since then, state and federal insurance of deposits has made such events improbable. It is disturbing to find many New Hampshire bankers thinking in terms of 1929. We feel their thinking should be devoted to the present and the problems of the present.

One of the real problems of the present is the plight of potential veteran and F.H.A. home buyers. We are glad that some banks want to help them. We are shocked that the majority of banks appeared to be opposed to even a small step toward helping them. After all, our bill does not make any such loan mandatory; it is simply permissive legislation.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House joint resolutions:

HJR 49, Joint Resolution in favor of Mr. and Mrs. A. W. Weigele.

HJR 52, Joint Resolution in favor of Willard M. Cady.

HJR 53, Joint Resolution in favor of Warren A. Cole.

HJR 54, Joint Resolution in favor of Roland E. Jenkins.

HJR 55, Joint Resolution in favor of Harvey V. Harrison.

HB 84, An Act relative to definition of employer, claims for benefits and increase in benefits, under workmen's compensation law.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 45, An Act providing for a deputy superintendent at Laconia State School.

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires.

SB 154, An Act relative to lumber cut reports.

SB 162, An Act relating to the salaries of deputy registers of probate.

SB 163, An Act relating to the salaries of registers of probate.

SB 168, An Act relative to the sale of dangerous weapons.

SB 174, An Act relative to use of funds held by the trustees of the Boscawen Academy in Boscawen.

SB 192, An Act relative to acquisition of recreational area in Monadnock area.

HB 2, An Act relative to the salaries of the special justice of Portsmouth municipal court.

HB 178, An Act relative to reimbursement for forest fire expenses.

HB 379, An Act relative to preparing and distributing a peace officer's manual.

HB 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of said projects.

On motion of Senator Lamontagne, the Senate adjourned at 3:20 o'clock in honor of Senator James C. Cleveland to meet next Tuesday morning at 11:00 o'clock.

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TUESDAY, JUNE 18, 1957

The Senate met at 11:00 o'clock.

#### **Leaves of Absence**

Senator Caron requested leave of absence for the week, on account of illness.

Senator Provost requested leave of absence for the day, on account of important business.

These requests were granted by the Chair.

#### **Introduction of Guest**

The President welcomed to the floor of the Senate, as the guest of Senator Packard, Mr. James J. Partland of Manchester.

**House Message**

The House of Representatives has passed the following bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 236 (In New Draft and New Title), An Act relative to motor vehicle liability insurance and requirements as to financial responsibility.

HB 338, An Act to establish the city of Lebanon.

HB 434, An Act changing the name of a pond in the town of Middleton.

HJR 57, Joint Resolution in favor of A. Raymond Smith.

**Introduction, First and Second Reading of House Bills  
and Joint Resolution**

HB 236 to the Committee on Banks and Insurance.

HB 338 to the Committee on Ways and Means.

HB 434 to the Committee on Resources, Recreation and Development.

HJR 57 to the Committee on Claims.

**House Message (Continued)**

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

HB 112, An Act relative to compensation of third member of appeals tribunal in public construction contracts.

HB 299, An Act relative to benefits under policemen's retirement system.

HB 237, An act extending road in Warner.

The House of Representatives has voted to non-concur with the Honorable Senate in passage of the following entitled bill, sent down from the Honorable Senate:

SB 152, An Act providing for a study relative to budgets for cooperative school districts.

**Introduction, First and Second Reading of Senate Bill**

SB 201, An Act to legalize the proceedings of an annual meeting of the Lebanon school district and to permit it to borrow a sum of money.

Introduced by Senator Bennett.

Referred to the Committee on Ways and Means.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill.

### Committee Reports

SB 140, An Act relative to suits affecting air navigation facilities. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend the bill by striking out the title and inserting in place thereof the following:

An Act establishing the Berlin Airport Authority.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Incorporation.* The Berlin Airport Authority hereinafter referred to as the "Authority" is hereby incorporated as a body politic with the powers and privileges herein provided.

2. *Membership of the Authority.* The Mayor of the City of Berlin, the Chairman of the commissioners of Coos county, the chairman of the board of selectmen of the Town of Milan, ex officiis, together with a member of the City Council of the City of Berlin from each of the four wards shall constitute the Authority, and shall be vested with all the powers and charged with all the duties hereinafter granted to and imposed upon said authority.

3. *Appointive Agency and Term.* The City Council shall elect four members of said authority by electing one from each ward of said City of Berlin who shall serve for the balance of their term in said City Council.

4. *Compensation.* No member of the authority shall receive from it any compensation for services or reimbursement for expenses.

5. *Vacancies.* Any vacancy which may occur in the membership of the authority which is not made up *ex officio* shall be filled by the City Council of the City of Berlin.

6. *Officers: Action by Majority.* The Mayor of said Berlin shall be the chairman of the authority. The authority



shall elect from its membership a vice chairman, clerk, and treasurer, and prescribe their duties. The treasurer shall be the financial agent of the authority and shall furnish such bond as the authority shall determine. The concurrence of a majority of the membership of the authority shall be necessary to constitute action by the authority.

7. *Acquisition and Operation of Airport.* The authority is hereby authorized to acquire by eminent domain, purchase, lease, gift or otherwise the Berlin Municipal Airport in the Town of Milan and maintain the said airport and in connection therewith and as a part thereof to establish in the same manner and maintain auxiliary landing places and facilities in the county of Coos.

8. *Declaration of Purpose.* The establishment, ownership, operation and maintenance of said airport and all auxiliary facilities are declared to be for public purposes as an aid to national and state defense and for the convenience of the public, and the authority shall be regarded as performing a governmental function in carrying out the provisions of this act. The authority, the county of Coos, the city of Berlin and the town of Milan shall enjoy immunity from all tort liability in connection with said facilities and activities and the said immunity shall not be affected or lost by reason of the receipt of profit, fees, revenue, income, rentals or any particular or specific return whatsoever.

9. *Powers.* The authority shall have the power:

(a) To sue and be sued.

(b) To select and have a seal.

(c) To adopt by-laws, not inconsistent with this act, for the conduct of its business.

(d) To acquire, hold and dispose of, in any manner, real and personal property deemed necessary or desirable for its purposes.

(e) To construct, maintain, reconstruct, improve, enlarge, operate and manage said airport.

(f) To accept grants and the cooperation of the United States of America, the state of New Hampshire, or any agencies thereof, in the construction, maintenance, reconstruction, improvement and operation of said airport, and to do any

and all things necessary in order to avail itself of such aid and cooperation, and the authority is specifically authorized to enter into agreements with the federal government and the state of New Hampshire through its various agencies relative to the acquisition of said airport and its extension, improvement and operation.

(g) To prescribe and publish rules and regulations governing the use of said airport.

(h) To levy and collect reasonable fees, not prohibited by law, for use of said airport and its facilities.

(i) To grant leases of the facilities of the airport for reasonable periods of time.

(j) To employ such assistants, agents and servants, professional, technical, or otherwise, as it shall deem necessary or desirable for its purposes, and fix their compensation.

(k) To do all other lawful acts necessary and incidental to the foregoing powers.

10. *Limitation of Powers.* The authority shall have no power to commit the state of New Hampshire or any of its political subdivisions to any obligation or liability whatsoever, nor shall it have the power to encumber any of its real estate except in pursuance of the authority contained in section 9 (i) without the sanction of the city of Berlin.

11. *Exemption from Taxes, Levies and Executions.* All property and rights acquired by the authority in the town of Milan shall be exempt from all taxation. All property of the authority shall be exempt from attachment, and all of its real property shall be exempt from levy and sale by virtue of any execution.

12. *Revenue.* The net revenue of the authority shall be held and invested by it for the purpose of the future maintenance, operations and improvements of said airport.

13. *Financial Aid.* The county of Coos and the cities and towns of said county are authorized to make conveyances and appropriations for the use of the authority.

14. *Audits and Reports.* All financial transactions of the authority shall be audited annually and at such other times and in such manner as the city of Berlin shall determine. The

authority shall make an annual report of its financial and other transactions for the preceding calendar year on or before the first day of February. This report and the report of such audits as shall be made as herein provided shall be filed with the clerk of the superior court for said Coos county and city clerk of Berlin after completion, and shall be open for public inspection.

15. *Penalties.* Any violation of the published rules and regulations of the authority relating to said airport, and any refusal or neglect to pay lawfully prescribed fees for use of said airport or its facilities, shall be deemed a misdemeanor and shall be punishable by a fine of not exceeding ten dollars, provided, however, that nothing herein contained shall be construed as a limitation upon the civil rights of the authority.

16. *Separability Clause.* If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and application of such provision to other persons or circumstances shall not be affected thereby.

17. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland:

"Mr. President, when this bill first came in, the thing that was bothering them up there in Berlin is that they have an airport up there which is not much of a money maker and the council for the city is afraid that there will be an accident up there and the city will be responsible. They are worried about the liability of the airport. The first bill granted any airport, anywhere in the state, rather drastic immunity. As you all know, you can't sue a state or a city or a town. But when a state, city or town goes into a business, there is a question as to whether they can be sued. This bill was opposed by the Aeronautics Commission. As the amendment indicates, they have set up a separate Berlin airport authority. I am personally opposed to some of the language in the declaration of purpose here that grants this authority too much immunity. I think this bill goes too far in granting this immunity."

Senator Lamontagne:

"Mr. President, I would like to say this — that it is true what Senator Cleveland has remarked. However, the Commissioner of Aeronautics just came over to see me and he is very much in favor of the proposed amendment. I was more than pleased to hear that from the commissioner. I hope that the Senate will go ahead and adopt this amendment so that this may be referred back to the County Delegation. The county will not have to put any money into this, nor will the town of Milan. This airport is supported by the city of Berlin, but it is located in the town of Milan."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 398, An Act relative to members of interstate commissions, and retirement benefits therefor. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Cleveland:

"Mr. President, nobody showed up at the hearing on this bill. It attempts to govern the situation when a person working for the state is assigned to serve on an interstate commission, and relates to benefits in connection therefor. This bill makes it clear that they are still in the employ of the state for these benefit purposes.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SJR 6, Joint Resolution in favor of Charles F. Macey. Report of the Committee on Finance (Senator Merrill): Ought to pass with amendment.

Strike out all after the resolving clause and insert the following:

That the Governor and Council be and hereby are authorized and empowered to award compensation to the said Charles F. Macey, in accordance with the provisions of RSA 281, and particularly sections 5 and 6 thereof, for a further period of forty-one weeks beginning as of June 25, 1957. The acceptance of this award shall be in full and final settlement of the claim of the said Charles F. Macey for the accident referred to.

Senator Merrill:

"Mr. President, just a brief resume of this case. It goes back to October, 1951, when Macey was employed at the state hospital and was injured quite seriously in the handling of a boiler. He has been in the hospital for some length of time, and has had heavy medical bills. On June 25th, he will have received his 300 weeks of compensation which was in effect at the time of the accident. This asks for 100 weeks extension. This was objected to by the Commissioner of Labor. He even objected to giving the extension of 41 weeks. However, the circumstances of the case have lead the committee to recommend that we pay a total of 341 weeks or 41 weeks more than June 25th. Macey has no other means of livelihood. His wife does work some. But Macey is 72 and we assumed that his wife would be about the same age."

On a *viva voce* vote, the amendment was adopted, and the joint resolution as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 390, An Act relative to appointment of a chief of police. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

Senator Rainie:

"Mr. President, this bill adds something to the statute which allows selectmen to appoint police in a town. It says that selectmen, or authorized town manager, may appoint a police officer as chief of police, to have authority over and supervise other officers on the force. This is calculated to do away with the authority. It is optional. It concentrates authority in his hands. It will avoid a good deal of trouble."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Special Order of Business — 11:01 O'Clock**

Senator Lamontagne called for the Special Order.

Question being on the adoption of the amendment offered by Senator Bennett to the Concurrent Resolution relative to "litterbugs".

On a *viva voce* vote, the amendment was adopted.

On a *viva voce* vote, the Concurrent Resolution as amended was adopted.

**Special Order of Business — 11:02 O'Clock**

Senator Karkavelas called for the Special Order.

SB 60, An Act relative to intentional and the unintentional contribution to delinquency.

Question being on the concurrence in the adoption of the amendment sent up from the House of Representatives.

Senator Karkavelas:

"Mr. President, in regard to this bill, I have some question about the amendment which was attached to this juvenile delinquency bill. There is a difference between a juvenile delinquent — under 18, and a minor — under 21. I think the amendment is not germane to the bill at all. The place for an amendment like this is on motor vehicle laws and not on a juvenile delinquency bill."

Senator Cleveland:

"Mr. President, I think there is something to what Senator Karkavelas has said. I would like to say in defense of the amendment and in support of my motion to concur that this juvenile delinquency bill, which passed the House, was a Senate bill and was introduced by Senator Holmes. This passed the Senate all right, but was the subject of a very great and bitter debate in the House. Some in the House felt that there should be a much stronger bill. It says that parents will be responsible, not for all negligent acts of their children, but will be responsible for some of the wrongful acts of their children, done in fairness to some juvenile delinquency act. It limits the fine to \$500. I believe it is a matter into which many hesitate to enter. I believe that the amendment is germane. It is perfectly fair to the parents — this amendment gives the parents the 'say so' as to whether these kids will obtain their driving license or not. I believe this is important and I think there is no doubt that it is germane. We are holding the parent liable up to \$500, and in return for that, the state will not give this child a license to drive unless the parent gives his permission. If a child has no parent or guardian, they must show financial responsibility or insurance. I hope that the Senate will concur. I think it should be tried and that it is a step forward."

Senator Rainie:

"Mr. President, I sympathize with the attitude of Senator

Karkavelas with reference to what he has said and may be some other details. But as has been said by Senator Cleveland, this is a step into something which has not been explained. It attempts to accomplish something with the parents to impress upon them with respect to their responsibility. While I am not in sympathy with parts of the bill, I do feel that it will be a helpful experiment to try this for the next two years. At that time, if there are flaws, they can be remedied. I urge the Senate to support this amendment.

Senator Bergeron:

"Mr. President, I would support the bill in its original form, but I cannot support the amendment. I do not believe that it is germane. By the amendment, I believe it will contribute to more delinquency. I would move that the Senate do not concur in the adoption of the amendment and request that a Committee of Conference be appointed."

(Discussion ensued)

Senator Cleveland:

"Mr. President, I wish to speak against the motion, and do so for the following reason. I have no objection to a Committee of Conference being appointed, but I believe that we must be practical about this matter. This passed the House by 10 votes. A Committee of Conference generally is composed of people who feel very strongly on both sides of the question. I believe that we will lose this bill by a Committee of Conference. If the Senate wishes to lose what this bill as amended would accomplish, it is their privilege. I am against the motion for a Committee of Conference. The Senate has already approved this bill. The only thing that has been done in the House is this somewhat minor amendment. I believe the amendment is so minor that it is not worth the risk of losing the bill. They are absolutely at loggerheads in the House."

Senator Karkavelas:

"Mr. President, I gave this bill my hearty endorsement and voted for it 100%. Now the Chairman of our Judiciary Committee says if we do not concur, we will lose the bill. I still say that the amendment is not germane, but I would not like to jeopardize the bill, therefore, I am against the motion."

Senator Packard:

"Mr. President, Senator Cleveland amuses me on this Com-

mittee of Conference — apparently he does not have faith in people appointed to serve on these Conference Committees. We passed the bill in its original form and approved it. I was somewhat skeptical about the passage of the original bill. I still insist that we should have a Committee of Conference and try to iron this out. I am in favor of the motion.”

Senator Rhodes presiding.

Senator Ferguson:

“Mr. President, in brief answer to the remarks made by Senator Packard. I would say that the President of the Senate is well aware of the controversial nature of this bill. It is his intent to place on that Committee of Conference, Senators who will be favorable to the passage of the bill. However, the remarks just made by Senator Cleveland, I think, should be taken into account because from what the President of the Senate understands, there is considerable pressure on the Speaker of the House, and it is exceedingly doubtful whether or not the same favorable consideration will be given there as here. An attempt was made during this session to straighten out the rules governing the operation of the rules covering Committees of Conference. In fact, I have on my desk a Concurrent Resolution relative thereto. This Joint Rule would make it mandatory that all members of the Committee of Conference agree which was a more hard and fast rule than what the Senate passed. The Senate took a little more liberal view and felt that Committees of Conference should not be used to kill a bill which had passed both the Senate and the House. However, if this Committee of Conference changes the rules — it will mean that we are just back where we were before. I simply want to explain this.”

Senator Ferguson presiding.

Senator Adams:

“Mr. President, I would just like to comment at this time on the effect of our rules governing Committees of Conference. As Senator Ferguson has pointed out, in this instance, the effect of this rule works to the disadvantage of the Senate. I would like to point out to the Senate that in many cases it works in reverse. If the House sends in something that they want and we put an amendment on which they do not want — then it goes to a Committee of Conference — so it works both ways.”



Senator Bergeron:

“Mr. President, I believe in the bill as it was written and I think that we would have had a good bill. But I cannot see myself voting for something that would defeat its own purpose. I believe the amendment is not good. As you all know, this amendment was put in for a spite measure to defeat this bill.”

Question being on the motion to non-concur and ask for a Committee of Conference.

On a *viva voce* vote, the Chair was in doubt.

Senator Lamontagne asked for a division.

Three Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the adoption of the motion of Senator Cleveland that the Senate concur in the adoption of the amendment.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Fourteen Senators having voted in the affirmative, and three Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Senators Packard and Lamontagne wished to be recorded as having voted against the above motion.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 78, An Act relative to marine toilets and disposal of sewage from boats.

HB 112, An Act relative to compensation of members of appeals tribunal in public construction contracts.

HB 154, An Act relating to the equipment of motor buses.

HB 231, An Act relative to sale of electrical appliances.

HB 237, An Act extending road in Warner.

HB 299, An Act relative to benefits under Policemen's retirement system.

SB 131, An Act relating to building and loan associations.

SB 164, An Act legalizing the actions taken at the special

meeting of Hopkinton school district February 6, 1957 and authorizing certain indebtedness.

HB 130, An Act to clarify the relationship between the Board of Nursing Education and Nurse Registration and the State Department of Education and to provide for the acceptance of federal aid for practical nurse training.

HB 303, An Act relative to educational facilities for intellectually retarded children.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

On motion of Senator Daniel, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills and Joint Resolution

The following bills and joint resolution were read a third time, and passed :

SB 140, An Act establishing the Berlin airport authority.

SJR 6, Joint Resolution in favor of Charles F. Macey.

HB 390, An Act relative to appointment of a chief of police.

HB 398, An Act relative to members of interstate commissions, and retirement benefits therefor.

On motion of Senator O'Brien, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

Concurrent Resolution to request the Governor to issue a proclamation designating October 31 of each year as Youth Honor Day. Report of the Committee on Military and Veterans' Affairs (Senator O'Brien) : Ought to pass.

#### Concurrent Resolution

*Whereas*, it is of utmost importance to the welfare of this nation that the youth of this state be given recognition for their outstanding achievements and be encouraged to prepare themselves for their responsibilities, and obligations as citizens of this great nation ; and

*Whereas*, the legislatures of several states have adopted

resolutions designating October 31 of each year as Youth Honor Day, which is appropriately observed in honor of the youth of this nation; and

*Whereas*, the Youth Honor Day program has been of tremendous benefit to the youth of America by providing them with the opportunity to assume the responsibility of governing the conduct of the members of their own group; and

*Whereas*, the adoption of the Youth Honor Day program would prove very beneficial not only to the youth but also to all the people of this State; therefore, be it

*Resolved*, by the Senate of the State of New Hampshire, the House concurring, respectfully request the Governor to issue a proclamation designating October 31 of each year as Youth Honor Day; that the people of this State be urged to actively participate in the observance of this day; and that a suitable copy of this resolution be forwarded to the Governor, the Honorable Lane Dwinell.

On a *viva voce* vote, the Senate voted to adopt the above Concurrent Resolution.

On motion of Senator Rainie, the Senate adjourned at 12:22 o'clock.

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WEDNESDAY, JUNE 19, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guest of Senators Packard and Cleveland, Mr. Franklin Van Vleet of Penacook.

As the guest of Senator Lamontagne, Mr. Armand L. Duhaime of Manchester, Secretary of Disabled American Veterans Department of New Hampshire.

As the guest of Senator Rhodes, Mrs. Robert L. Galloway and Miss Linda Galloway, both of Walpole, being the wife and daughter of House Member Galloway of Walpole.

**Communication**

*To the Senators and the Personnel of the Senate:*

DEAR MR. PRESIDENT:

You've been so very nice to me  
You've been so very sweet  
You've been so kind  
Folks like you are hard to find.  
Thanks a million for the fan to us,  
It keeps us cool and never a fuss  
About this heat, my word said I,  
I'll just sit here till the end of July.  
On second thought that never could be  
For I must return to seat seventeen?

Sincerely yours,

MARYE

P. S. I am not a poet and know it,  
Could not compete at all with Virginia Hall.

On motion of Senator Bennett, the Clerk of the Senate was instructed to procure two large portable fans for use in the Senate Chamber and one smaller fan for use in the Clerk's office, said fans to become the permanent property of the State Senate.

The President declared a short recess.

(Recess)

The Senate re-assembled.

**House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 260, An Act relative to commercial pension funds and trustee welfare funds.

HB 420, An Act to promote the safety of the public in the use and operation of cable and rope devices for uphill transportation of passengers.

**Introduction, First and Second Reading of House Bills**

HB 260 to the Committee on Banks and Insurance.

HB 240 to the Committee on Resources, Recreation and Development.

**House Message (continued)**

The House of Representatives has voted to concur with the Honorable Senate in the amendments to the following entitled bills:

HB 178, An Act relative to reimbursement for forest fire expenses.

HB 2, An Act relative to the salary of the special justice of Portsmouth municipal court.

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 53, An Act relative to providing for an additional member of the state board of health.

SB 89, An Act relating to the confidential nature of adoption records and proceedings.

SB 99, An Act changing the title of overseer of the poor to overseer of public welfare.

The House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 30, An Act to make definite the exceptions to the Registered Nurse Practice Act.

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Whereas*, the state purchased the so-called Winant property for the sum of seventy-five thousand dollars, and

*Whereas*, in accordance with directions from the general court said property is now being offered for sale, now therefor be it

*Resolved by the Senate, the House of Representatives concurring:*

*That* the governor and council be advised that it is the opinion of the general court that the said Winant property should not be sold for a sum appreciably less than seventy-five thousand dollars.

Nothing in this resolution shall be construed as an implication that the general court does not desire that the Winant property be sold.

On motion of Senator DeLude, the Senate voted to concur in the adoption of the above Concurrent Resolution.

### Committee Reports

SJR 1, Joint Resolution in favor of Margaret C. Coll. Report of the Committee on Claims (Senator English): Ought to pass.

Senator English:

"Mr. President, this SJR 1 was on the floor of the Senate last Thursday and referred back to the Claims Committee. It has been reconsidered and is reported today — as before — ought to pass. As I mentioned, the Teachers' Retirement Board is not in favor. Apparently, just before the session last Tuesday, Mrs. Elwell handed some members of the Honorable Senate a sheet setting forth her objections. What those were, your committee did not know at the time and therefore could no answer. It appeared, however, that they contained nothing new. This case, the committee felt, had peculiar merit. It is extremely doubtful that any of the other cases mentioned by the Board have similar favorable aspects. Miss Coll, as I said before, has been a teacher in New Hampshire since 1921. None of the other possible cases have such an extended period of service, nor of such apparent merit."

Senator Cleveland:

"Mr. President, I found out afterwards, and Mrs. Elwell also told me, that this memoranda had been submitted to the Claims Committee and I would like to ask the chairman of the Claims Committee if this was presented to the Claims Committee."

Senator English replied in the affirmative, but stated at the time, he had no knowledge if this was the same material as presented to the committee previously or not.

Senator Cleveland:

"Mr. President, I have strong opposition to this joint resolution as it is now drafted."

*Legislation for Single Cases.* Senate Joint Resolution No. 1, if enacted, would take care of a single case. There are known to be at least 8 (eight) others of comparable circumstance. It would take an estimated \$38,000 (thirty-eight thousand dollars) to make restoration of the rights of those other

8 (eight) teachers. Specifically, Catherine G. Hancock, teacher in Jaffrey, is of capable age. She lost eighteen years of service when her membership was terminated. On April 27, 1955 she made inquiry about making additional payments to compensate for the loss she experienced when she had to give up her life time profession to take care of her sick father. Communications similar to those referred to above concerning Miss Coll are on file for Miss Hancock. An appropriation of approximately \$10,000 (ten thousand dollars) would be needed to restore the service rights of Catherine Hancock.

"I object to the resolution for the following reasons: 1. I feel that Miss Coll is receiving undue preference in her case. 2. Although we were informed that there were no other similar cases, this report states very specifically 'there are known to be at least eight other comparable circumstances. I have no objection to her case, but I do not think it is fair to single out Miss Coll, who happens to certain important people in Cheshire county and ignore Miss Hancock of Jaffrey, for instance. It is special treatment singled out for a special person, that I have to oppose it. 3. It is not correct that you cannot sue the state. You can sue the state in implied contract. Finally, it is my understanding that the state teachers are presently in a position of voting whether they will go into social security or not. These are the reasons that I must oppose this joint resolution at this time, and as written."

Senator Humphreys:

"Mr. President, I rise in support of the resolution. I would simply like to say that all the points brought up by Senator Cleveland were carefully studied by the committee and we found the balance of the evidence and justness of the claim to far outweigh those considerations which were brought up by those members against the claim. There are no exact cases. It hinges on the statement that they are somewhat of a similar case. There is no setting up of precedent because you approve one claim — each claim that comes up has to be decided on its own merits. This is a case where we have a New Hampshire teacher who has put in many years of service. We considered every angle of this and came to the conclusion that it was a good resolution and should pass."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Cleveland desired to be recorded as voting in opposition to the passage of the above joint resolution.

Concurrent Resolution naming Air Base. Report of the Committee on Military and Veterans' Affairs (Senator Humphreys): Ought to pass with the following amendment.

### **Concurrent Resolution**

#### **Naming Portsmouth Air Base**

*Resolved by the House of Representatives, the Senate concurring:*

*Resolved*, that the General Court of New Hampshire urges the Congress of the United States to provide that the so-called Portsmouth Air Base, located in Portsmouth and Newington, New Hampshire, be named and hereafter be known as the Pease Air Force Base, in honor of Harl Pease, Jr., holder of the Congressional Medal of Honor and the Distinguished Flying Cross, be it further

*Resolved*, that the Secretary of State transmit certified copies of this resolution to the Senators and Representatives of New Hampshire in the Congress, and to the Speaker of the House of Representatives and the President of the Senate of the United States.

This Resolution shall become effective upon the concurrence of the governing body of the City of Portsmouth, New Hampshire.

Question being on the adoption of the amendment offered by the committee.

(Discussion ensued)

Senator Lamontagne:

"Mr. President, I rise in opposition to the amendment offered by the committee. The reason I am opposed to the amendment is because this is only referring it back to the city of Portsmouth which actually places it in their backyard. The financing of the air base is under federal money. I further understand that the naming of the air base should be named after a man who has really done a great deal for his country. I believe that the man mentioned in the resolution, which was presented in the House and sent to the Senate, should be the one that the air base should be named for. This matter should not be passed on to the city of Portsmouth for



their decision. I believe that we in the Senate here can make that decision. I would like to say that it passed the House without objection from the Delegation from Portsmouth. Therefore, I do not see why we should accept an amendment which would refer it back to the city of Portsmouth. I believe that it should be named after Captain Harl Pease, Jr.”

Senator Packard:

“Mr. President, I just think that the Senate is due a somewhat small explanation on this. The committee has had this for a considerable time. There has been considerable discussion, and several executive sessions, in order to iron out an agreement in order to make all concerned happy. One member felt that it was in his area and therefore the people in that area should be allowed to name the air base. Yesterday at the executive session, we had considerable discussion and after the discussion, this particular amendment was a matter of compromise. It was felt that the resolution which was, passed by the House, and might be passed by this body, would then indicate the wishes of the Legislature. It was also felt that the people in the Portsmouth area should be allowed an opportunity to have something to say in the naming of this base. This amendment gives the people of Portsmouth an opportunity to do this. This was the result of a compromise to come up with something that would be in accord with all the Senators. This is an issue that I am not too concerned with and as far as the amendment is concerned, it is up to the Senate to do as they wish.”

Senator Horner spoke against the amendment and in favor of naming the Base after Harl Pease, Jr. as follows:

“That the Portsmouth Air Force Base should be named after Harl Pease, Jr., would seem to me to be not only logical but most fitting and proper. New Hampshire has had her share of heroes and men of devotion in every conflict in which our country has been engaged, but no star in the firmament of those heroes who gave their lives for their country shines more brightly than that of Captain Pease. A native of New Hampshire, Harl graduated from Plymouth High School, attended Tilton School for Boys and graduated from the University of New Hampshire with the class of 1939. In the same year he entered the service of his country in the Air Force and received his wings and commission at Kelly Field, Texas. Has

entire career in the Air Force is a recorded chronicle of high devotion to duty, valor and complete contempt for personal danger. When shot down near Rabaul, New Britain, on August 6-7, 1942, while participating in a bombing mission on a volunteer basis, as the pilot of a flying fortress declared unserviceable for combat missions, he held the rank of Captain, the key post of Squadron Intelligence Officer, as well as the dual responsibility of pilot and flight commander. For conspicuous gallantry and intrepidity above and beyond the call of duty, Captain Pease was awarded not only the Distinguished Flying Cross but the Congressional Medal of Honor, the highest honor bestowed by our country. He is the only native son ever to receive both of these decorations.

Such a record deserves to be memorialized, and I hope that the resolution to name the Portsmouth Air Base after Harl Pease, Jr., will receive the unanimous approval of the Senate."

Senator DeLude:

"Mr. President, I think perhaps if this amendment were defeated, it would then be in order for me to move that a resolution be sent to the Washington delegation from New Hampshire for memorializing."

Senator Karkavelas:

"Mr. President, the only thing I am afraid of is, whether it is called the Portsmouth Air Base or the Pease Air Base — either is all right by me — but if we do not do something we might lose the naming of this base and it might be named after a hero from out of the state. I would be in favor of the amendment as Portsmouth will keep the name the same and we will still have it."

Senator O'Brien spoke in favor of the amendment. Stating that an air base may have the name of a city only until the time arrives when there is the name of a deceased hero available, and at that time, the air base must be renamed; for a hero, but not renamed as the name of a city.

Senator Karkavelas:

"In the city of Dover, a jet pilot from there, Captain Joseph McConnell, was killed in World War II. There has been a base named after him in California. As Dover is in that area, maybe the base might be named after him. Or, do you have any name that you would like to propose at the present time?"

Senator Humphreys:

"No, I have no name to propose at the present time. I do not believe it is necessary. It is already named and some day may be named for someone else."

Question being on the adoption of the amendment.

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Question being on concurrence with the House.

On a *viva voce* vote, the affirmative prevailed, and the Senate concurred.

Senator Humphreys desired to be recorded as having voted against concurrence.

HB 142, An Act relative to taxation of real estate and personal property. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Cleveland:

"Mr. President, this bill which came in from the House is the result of an interim study commission relative to the overall problem of taxes and property in the state. I believed that Senator Adams helped on this commission. The bill was amended in the House and as it came to us, it is a recodification of this law covering taxation. It calls for all property to be reported, otherwise it will not qualify for the exemption. It was felt that this was a very important question — future interim commissions will have available information and statistics regarding the amount of this property located in the state. I would say that it might serve to bring on to the tax rolls property that is not now on the tax rolls. All property has to be reported and exemption claimed. It was felt that they might find some property actually being used for some useful purpose and therefore would not qualify. I would think that it would serve to increase the tax property rather than decrease it."

The President declared a short recess.

(Recess)

The Senate re-assembled.

Senator Adams:

"Mr. President, I served on the study commission that drafted the report that resulted in this bill being drafted and

I would just say briefly, if it does anything, it tightens the tax exemption law in the State of New Hampshire.”

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 172, An Act to limit the length and horsepower of passenger motor vehicles. Report of the Committee on Transportation (Senator Packard): Inexpedient to legislate.

Senator Packard:

“Mr. President, I don't believe that too much explanation is necessary — it has been on the front pages of the newspapers. Just briefly, the committee felt that this was not good legislation because it singled out one state in the United States in a matter which should be national legislation. We certainly do not want to be in a position of sticking out like a sore thumb in having a specific law on the books which could not be enforced in other states of the union. The purpose of this bill has considerable merit. That is, the object in back of it — the safety on the highways. We have four representatives who flew in from Detroit — representatives of Chrysler, General Motors and Ford — who gave us a very excellent description of why this was not good legislation at the present time. It was felt that it would hamper the progress in this field.”

(Discussion ensued)

Senator Humphreys:

“The Commissioner of Motor Vehicles in New Hampshire says it is good legislation and most of the people I have talked with think it is good legislation. The only argument raised by the four executives from Detroit was that it stops them from research and experiments in connection with their products. This bill could be very simply amended to remove the only objection that the men from Detroit had — relative to hampering progress, etc. There are three things that we can do. 1. Kill it. 2. By taking no step toward remedying a situation which the motor vehicle commissioner admits we have and about which something should be done. 3. Recommit this to a committee which would probably be, and more rightfully so, more sympathetic to the health and welfare of the people of the state or less interested in the desires of those who are manufacturing automobiles. Perhaps it might be considered by the Committee on Public Health, Welfare and State In-

stitutions. We could amend this bill here so that the only objection of the people from Detroit could be removed. I would move that the bill be recommitted to the Committee on Public Health, Welfare and State Institutions."

Senator Packard:

"I would not oppose a motion of this type. I did not want to get into a very detailed discussion of this bill. However, I can go on at great length about this. I can see no benefit in recommitting."

Senator Cleveland spoke in support of the motion. Stating that he wished to go on record in favor of what Senator Humphreys is trying to do.

Senator Rainie:

"This is a lot of nonsense. Who controls the automobiles in this country? It is the purchaser. I say that I can buy the kind of a car that I want and which I believe is good for my safety. It is obviously an attempt to tell the whole country what he thinks should be done. It is absurd. Let's act with common sense and kill this bill."

Senator Bergeron stated that he was in agreement with the remarks of Senator Rainie, and moved the previous question.

Seconded by Senator Holmes.

Question being: Shall the previous question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Humphreys that the bill be recommitted to the Committee on Public Health, Welfare and State Institutions.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator Humphreys moved that the words, Ought to pass with amendment, be substituted for the words, Inexpedient to legislate, and offered the following amendment:

Amend the bill by inserting after section 2 the following section:

3. This act shall not apply to motor vehicles equipped with other than gasoline internal combustion engines.

Further amend the bill by renumbering section 3 to read section 4.

Senator Rogers moved that this bill be referred to the Legislative Council.

Senator English spoke in opposition to this motion, and moved that the bill be laid upon the table for change in forms.

Question being on the above motion.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Ten Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the motion of Senator Rogers that the above bill be referred to the Legislative Council.

(Discussion ensued)

Senator Packard spoke against the motion.

Senator Bergeron moved the previous question. Seconded by Senator Rainie.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Rogers.

On a *viva voce* vote, the negative prevailed.

On the above question, Senator Humphreys demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Rogers, Cleveland, DeLude, Holmes, Adams and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Anderson, Rhodes, English, Paquette, Rainie, Packard, Provost, Daniel, Bergeron and Merrill.

Six Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the motion of Senator Humphreys to substitute the words ought to pass with amendment for the words inexpedient to legislate.

(Discussion ensued)

Senator English requested a ten-minute recess.

Senators Rainie, Adams, Daniel and Lamontagne spoke against the request for recess.

Senator English withdrew his request.

Question being on the adoption of the motion to substitute.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question being on the adoption of the resolution of the committee.

On a *viva voce* vote, the affirmative prevailed, and the resolution was adopted.

On motion of Senator Lamontagne, the Senate refused to reconsider its vote whereby the resolution of the committee was adopted.

Senator Humphreys wished to be recorded as having voted against the adoption of the resolution of the committee on the above entitled bill.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

SB 158, An Act relative to keeping of records by registers of probate. Report of the committee on Ways and Means (Senator DeLude) : Ought to pass with amendment.

Amend said bill by striking out the title and inserting in place thereof the words relating to probate courts, so that the title as amended shall read An Act relating to probate courts.

Further amend said bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *Register of Probate.* Amend RSA 548 by inserting after section 5 the following new section: 548:5a.

*Notice to Fiduciaries:* If a fiduciary hereafter appointed by the probate court shall fail for thirty days to file an inventory or for ninety days to file an account of his administration, as required by law, the register of probate shall give notice to him of his default by registered mail, and if he shall fail for thirty days thereafter either to file the inventory or his account, or show good cause for such failure, the judge of probate may issue a citation to such fiduciary to appear before him pursuant to the provisions of RSA 550:2. The requirements hereof shall apply to such fiduciaries heretofore appointed as the judges of probate may prescribe by rules and

regulations adopted pursuant to the authority conferred by Chapter 139, Laws of 1957. A register of probate for services and expenses in giving notice hereunder, shall be entitled to a fee of three dollars, which shall be paid by the fiduciary forthwith.

2. *Enforcement of Orders, etc.* Amend RSA 547:11 by adding at the end of the section the following:

“Whenever it appears necessary to preserve or protect the assets of any estate, the judge, on application or upon his own motion, may impound the books, records and assets of any fiduciary or may enjoin the withdrawal of any moneys or deposits or transfers of any securities by any fiduciary, or may direct the temporary investment of the assets of any estate in securities approved by the judge or require them to be deposited in any bank or institution authorized to receive deposits,” so that said section as amended shall read as follows:

547:11. *Enforcement of Orders, etc.* The judge shall have power to enforce all orders and decrees made by him in the exercise of any authority or jurisdiction conferred upon him, and to punish contempts of his authority, as the superior court has in like cases. Whenever it appears necessary to preserve or protect the assets of any estate, the judge, on application or upon his own motion, may impound the books, records and assets of any fiduciary may enjoin the withdrawal of any moneys or deposits or transfers of any securities by any fiduciary, or may direct the temporary investment of the assets of any estate in securities approved by the judge or require them to be deposited in any bank or institution authorized to receive deposits.

3. *Authority on Accounting by Fiduciaries.* Amend RSA 547 by inserting after section 11 the following new section: 547:11-a. *Authority on Accounting by Fiduciaries.* In any accounting by an executor, administrator, trustee, guardian, or other fiduciary, the judge may require him, or any of them if there are more than one, to produce during the proceedings or afterward, as he may direct, any securities or moneys comprised in the account or any documents relating to the investments of the estate, and to replace any moneys or property that have been improperly applied or disposed of, or the value thereof, and to pay or transfer the same or any moneys or property with which the fiduciary or fiduciaries



may be charged into a proper account or otherwise, as he may order, in such manner that the same shall be in the control of the persons entitled thereto; and the proceedings upon every such account shall be considered for all purposes to be proceedings in equity, and orders and decrees of the judge therein shall be enforceable accordingly.

4. *Takes Effect.* This act shall take effect June 30th, 1957.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

Senator Rainie:

"Mr. President, this bill is the one that has been recommended by the Judicial Council and is splendid legislation. The committee substituted the report and recommendation of the Judicial Council for the bill which was originally presented here. This makes it necessary for the judge of probate to keep track of when inventories should be returned, etc. and that they are returned. Provides for a very rigid examination of accounts."

Question being on the adoption of the amendment offered by the committee.

Senator Packard:

"This is a very, very important bill. I am not opposed to the bill. However, because of the extreme importance, I am questioning the haste in acting on this bill. Several lawyers have discussed this bill with me and I believe it should be given a very thorough study."

Senator Adams:

"In answer to objections of Senator Packard, it was at my suggestion this morning that we brought this bill in under suspension of the rules, realizing that there may be amendments to be printed, etc. and if we hope to get out of here before Labor Day, we want to get along with these things."

Senator Rainie:

"I agree with what Senator Adams has said. I would offer a motion to make this a Special Order if so desired."

Senator DeLude read the names of the members of the Judicial Council and stated "I am quite sure that having read

their proposed amendment, they have done a very fine job in tightening up our laws in trying to accomplish what we want to accomplish. Our committee is in wholehearted support. I would be against the motion for a Special Order.

Question on the motion of Senator Rainie for Special Order.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question being on the adoption of the amendment offered by the committee.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

#### **Special Order of Business — 11:01 O'Clock**

Senator Rainie called for the Special Order.

Question being on the adoption of the amendment offered by the committee to SB 111, An Act relative to liability for the use of high explosives.

Senator Rainie:

"I have received so many communications both ways in this matter that I think a little more attention will be appreciated by the committee. I would move that the bill with the accompanying report be recommitted to the Committee on Ways and Means."

#### **Special Order of Business — 11:02 O'Clock**

Senator Adams called for the Special Order.

Question being on the motion to substitute the report of the minority, Ought to pass, for that of the majority, Inexpedient to legislate.

SB 181, An Act relative to mortgage loans by savings banks which are guaranteed or insured by federal agencies.

Senator Adams:

"I have canvassed the stand of the Senate and in order to save an extended debate on this matter, I would move that the bill with accompanying report be laid upon the table."

Senator Anderson stated that he could see no need to lay the bill upon the table.

Question being on the motion to lay upon the table.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Nine Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the motion to substitute.

Senator Cleveland:

"For the record, I would say that I feel that it is disturbing to find the opposition of the banking fraternity to a measure such as this which, in essence, is only trying to make available a little more loaning capacity for some of the banks within the state who feel that they need it. I think it is distressing because the bankers are not ????? . I wish to be recorded as being in favor of this motion."

Senator Rainie moved the previous question, seconded by Senator Bergeron.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion to substitute.

Senator Adams wished to be recorded as being in favor of the minority report.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Question being on the adoption of the report of the Majority of the Committee, Inexpedient to legislate.

On a *viva voce* vote, the report of the majority was adopted.

Senator Humphreys offered the following resolution:

*Resolved*, that whereas this Legislature has urged that the Portsmouth Air Force Base be named for a Plymouth, New Hampshire hero, therefore, be it hereby

*Resolved*, that the National Guard Armory at Plymouth, New Hampshire be named and hereafter known as the Portsmouth Veterans Memorial Armory.

The Chair stated that he would refer the above resolution to the Committee on Military and Veterans Affairs.

On motion of Senator DeLude, the rules of the Senate

were so far suspended as to permit the introduction of a Senate bill.

### **Introduction, First and Second Reading of Senate Bill**

SB 202, An Act relative to adequate planning for a mental health program and an appropriation for the construction of a building for defective delinquents. Introduced by Senator DeLude.

Referred to a Joint Committee of Finance and Public Health, Welfare and State Institutions.

On motion of Senator Daniel, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading of Bills and Joint Resolution**

The following bills and joint resolution were read a third time and passed:

SB 158, An Act relative to keeping of records by registers of probate.

SJR 1, Joint Resolution in favor of Margaret C. Coll.

HB 142, An Act relative to taxation of real estate and personal property.

On motion of Senator Lamontagne, the Senate adjourned at 1:32 o'clock.

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THURSDAY, JUNE 20, 1957

The Senate met at 11:00 o'clock,

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guest of Senators Packard and Daniel, Mr. Robert Gosselin, proprietor of Gosselin's Hardware store in Manchester.

As the guest of Senator Packard, Mr. Allan Grew of Manchester.

### **House Message**

The House of Representatives has passed the following

entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 395, An Act relative to Belknap recreational area.

**Introduction, First and Second Reading of House Bill**

HB 395 to the Committee on Ways and Means.

**House Message (continued)**

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 165, An Act relating to purchase of liability insurance under a fleet policy.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Duties of Director of Purchase and Property.* Amend paragraph IX of RSA 8:19 by striking out said paragraph and inserting in place thereof the following: IX. After consultation with, and approval by, the board of approval as established by RSA 93:2, purchase liability insurance under a fleet policy covering the operation of state owned vehicles, and such other insurance and surety bonds as any state department, agency or official may now or hereafter be legally authorized to secure, or required to furnish; provided that approval shall not be granted for any such insurance or surety bonds unless the same have been negotiated for, are procured from and the premium therefor is to be paid to an independent commissioned resident agent of an insurance company registered and licensed to do business in this state.

Senator Rainie moved that the Senate non-concur in the adoption of the amendment and that a Committee of Conference be appointed.

Senator Rainie spoke in favor of the above motion:

"Mr. President, this is a matter that, I am informed, had no debate in the House. It has to do with the problem of whether or not an insurance company can come in here and bid on the property of the State without having a local agent. That is a problem that much can be said on both sides. The fact is,

that a policy obtained from a company of that sort is of considerable saving to the State. This would be a saving to the State and I believe it should receive the serious consideration of the House."

Senator Bergeron:

"Mr. President, I move that the Senate concur in the adoption of the amendment offered by the House.

The Chair stated that that motion was in order.

Senator Bergeron:

"Mr. President, the remarks made by Senator Rainie are not quite adequate. This amendment was presented in committee at a public hearing. Apparently, it was approved by the committee and brought into the House as ought to pass."

Senator Karkavelas:

"Mr. President, parliamentary inquiry. I believe that Senator Rainie, when he took the floor, made a motion for non-concurrence. Am I correct?"

The Chair ruled, subject always to non-agreement on the part of the Senate, that the Chair would recognize the motion of Senator Bergeron.

Senator Karkavelas:

"Mr. President, I am not an insurance expert, but I have talked with several people. This amendment, if passed, would exclude all the mutual companies. I believe that the State should invite bids from all insurers, in order to obtain the lowest bid. I believe that this would be class legislation and would prohibit certain companies from entering bids. Companies who have commissioned agents cannot bid as low as those who do not have the same. I think that where this amendment was not discussed in the House, as Senator Rainie has said, and whereby I serve on the Judiciary Committee and this amendment was not considered at that time, I think it is only right that this should be set up as a Committee of Conference and discussed both for and against. I am not for it or against it, but I think it should be discussed from all angles. The Senate should vote on the merits of the amendment — which has not been discussed as yet."

Senator Bergeron replied to Senator Karkavelas:

"Senator, what makes you say that the amendment has not

been discussed? It was passed from the floor of the House. It was brought up there and had to be voted on there.”

Senator Rogers:

“Mr. President, I think that the members of the Senate should have a little more information on this. I am opposing the motion to concur. I believe there are angles to this amendment that many of us have not thoroughly investigated. I have in my hand a letter from the Department of Purchase and Property. The passage of this amendment will cost the State some money. I think it also should be pointed out that the Division of Purchase and Property presently has and does restrict to resident and licensed agents only. This would preclude them from doing so. Has the OK of this division and also the Governor’s office.”

Senator Bergeron:

“I would like to say to Senator Rogers that this is no different from what the Highway Department has had for years through their bond business.”

Question being on the motion of Senator Bergeron, that the Senate concur.

The Chair ruled that he would entertain the motion offered by Senator Bergeron first. If that motion was defeated, then the motion of Senator Rainie would be considered.

Senator Rainie:

Mr. President, parliamentary inquiry. At the present time, the question is as to whether or not the Senate approves of this amendment and a vote of yes means that it will approve the amendment, thereby affecting the expenses of the State?”

The Chair ruled that a vote in favor of the motion of Senator Bergeron will be in favor of adopting the amendment sent up from the House.

Senator Rainie:

“Mr. President, this is something that has not occurred before and seems an arbitrary ruling and against common sense. Is this in the rules?”

The Chair stated that “this is an arbitrary ruling and subject to the Senate. As far as the Chair knows, there is no ruling as to what takes precedence and he thought Senator Bergeron was due the courtesy of having his motion voted on.”

Senator Rainie:

"Is it not customary to accept the motions in the order that they are presented?"

The Chair stated:

"That is a very moot question. The Chair has stated that the motion of the second Senator will take precedence over the motion of the first."

Question being on the motion of Senator Bergeron that the Senate concur in the adoption of the amendment sent up from the House to SB 165.

On this motion, Senator Rainie demanded a roll call and the Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, DeLude, Paquette, Packard, Provost, Daniel, Bergeron, Adams and Merrill.

The following named Senators voted in the negative: Horner, Hodgdon, Bennett, Rogers, Cleveland, Anderson, Rhodes, English, Holmes, Rainie, Karkavelas and Humphreys.

Nine Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion did not prevail.

Senator Packard moved that this matter be laid upon the table and made a Special Order of Business for next Tuesday, at 11:01.

Senator Rainie:

"Parliamentary inquiry. I ask the President what consistency there is between now and his prior ruling?"

The Chair stated:

"The Chair was in error in so stating. He should have qualified it by saying that would be so unless some other motion was made that would receive priority."

Senator Packard:

"The reason that I made that motion is because of the fact that there seems to be some disagreement as to whether it should be sent to a Committee of Conference. This is the same argument that could happen here. One member may hold out and the whole thing can be killed. I believe the bill, in essence, is a good bill. If we make it a Special Order for next Tuesday, it will give the Senators an opportunity to study it over the weekend."



The Chair stated that he would state what he was going to do if Senator Rainie's motion prevailed. He would appoint two members of the Senate that would settle the amendment amicable with the three members of the House."

Senator Packard:

"Mr. President, I still make that motion for a Special Order and the decision as to a Committee of Conference can still be made next Tuesday."

Question on the motion for Special Order for next Tuesday.

Senator Rainie:

"Mr. President, this is one of the things that I want to accomplish — that we have an opportunity to hear a discussion on both sides of this question. I have no connection with any insurance companies, but I do wish to serve the state to the best of my ability and will offer no objection."

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

### Committee Reports

HB 335, An Act relative to the state's share of the school superintendents' salaries. Report of the Committee on Education (Senator Merrill): Ought to pass.

Senator Holmes:

"Mr. President, the rewritten bill — the bill that was rewritten in the House, is in today's Journal. It has three provisions. The first is not new. It adjusts the share of superintendents' salaries in accordance with latest equalized valuation per Union. The second, which is new. It directs the State Board of Education to adjust the state's share in each successive biennium so that insofar as is possible, the present relationship between the equalized valuations and salaries will be maintained so that it will not come into the Legislature. Third, the helping teacher's position shall hereafter be established by a majority of the school districts voting favorably."

Senator DeLude: "It would seem to me that this new system of arranging the state's share of the superintendents' salaries points out that the Board of Education is based on a sliding scale. There is no degree of difference in need. Yet,

in your state's share of superintendent's salary, they have another angle — a different degree of need."

Senator Merrill presiding.

Senator Bennett questioned Senator Holmes:

"I am a little confused in the amended bill. Do I understand that at the present time, a town school district can hire a helping teacher by itself? This amendment changes it in that if a town wishes to hire a helping teacher in the future, they must obtain the approval of the Board of Education?"

Senator Holmes:

"Yes. Now, the school districts in school meeting by majority vote must approve."

Senator Bennett:

This helping teacher is for the whole union and not for one town?"

Senator Holmes: "Yes."

Senator DeLude:

"I should like to speak in favor of the passage of this bill. This bill epitomizes to me what the State should be doing as far as education is concerned. This formula is based on the latest equalized aid to education. I have consistently maintained that the State aid formula to education should be based on a sliding scale. If we wish to accomplish what we want in this education formula, it should be based on a sliding scale."

Senator Holmes:

"I am not arguing the merits of the formula, nor do I wish to subscribe to the whole basis of aid to education, but if we have it, we may as well bring it up to date."

Senator Ferguson questioned Senator Holmes:

"What is the present situation in hiring helping teachers?"

"Is it not that helping teachers may be hired by unanimous vote of the Supervisory Union contemplating hiring helping teachers?"

Senator Holmes:

"No. The school district boards make the decision now. The point of this bill is to take the decision out of the hands of the school board."

Senator Ferguson:

"I thing this is a vital matter. I remember when this bill came up for discussion last session and perhaps two sessions ago. To put all the districts making up a Supervisory Union in a position where helping teachers may be hired by the union, under the provision of this bill by a majority vote of the Supervisory Union, is unthinkable. I do not propose to stand for any such thing. In my district we have two wealthy towns, three poor towns and one of average wealth. To allow the Supervisory Union to hire a helping teacher whose salary would be allocated among all the towns making up the union would be most unfair. The wealthier towns should be allowed to hire helping teachers if they desire them, but should pay their salaries themselves and not ask the poorer towns in the Supervisory Union to share in this expense. A proposal exactly like this was voted down last session and I believe the session before that, and I feel that we should most certainly vote it down in this session."

Senator Holmes:

"Your question is whether it is by unanimous or majority vote?"

Senator Ferguson replied in the affirmative.

Senator Holmes: "I believe it is by majority but am not sure."

(Discussion ensued)

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

Senator Holmes:

"I was unable to reach the Commissioner of Education, but reached the Deputy Commissioner, Mr. Farnum, who is familiar with this situation. Previously, the majority vote of all the districts. But the question of Senator Ferguson does not hinge on the question of school board of school districts. He is concerned with the fact that previously all had to agree. This bill says that a majority have to agree."

On motion of Senator Ferguson, the above entitled bill with the accompanying report was recommitted to the Com-

mittee on Education. Senator Holmes stated that she had no objection to the bill being recommitted to the committee.

Senator Ferguson presiding.

### Committee Reports

SB 197, An Act relative to cases transferred from the juvenile court to the superior court. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Transfers to Superior Court.* Amend RSA 169:22 by inserting at the end thereof the words, The provisions of this section and section 27 shall not apply when the case is certified to the superior court under the provisions of section 21 and the superior court adjudicates the matter as a criminal proceeding, so that said section as amended shall read as follows: 169:22. *Records.* The court records of proceedings with reference to juveniles in all courts of the state shall be kept in books and files separate from all other court records. The proceeding shall be entitled, "The state in the interest of . . . ." (naming the child or children). Such records shall be withheld from indiscriminate public inspection but shall be open to inspection by the parent, guardian or other authorized representative of the person concerned and, in the discretion of the court, by other persons having a legitimate interest. The provisions of this section and section 27 shall not apply when the case is certified to the superior court under the provisions of section 21 and the superior court adjudicates the matter at a criminal proceeding.

Senator Cleveland:

"Mr. President, the amendment is now the bill and what this bill attempts to do is to clarify the situation which results when a juvenile case is referred up to the superior court as a criminal matter. This is a small step toward the rights of the press to gain access to some of these records. This amendment was drafted by the secretary of the Judicial Council and has their approval."

Senator Packard questioned Senator Cleveland:

"Do I understand that this bill now opens up cases of juvenile delinquency to the press?"

Senator Cleveland:

"No, but I might say that there is something to be said for that step. This clarifies these cases when referred to the superior court. I believe that the judge now has this discretion and the judge did not want this decision. It is a step in the opening up of records."

Senator Packard:

"Will this bill open up the records relative to juvenile cases?"

Senator Cleveland:

"Those cases in the superior court. Some of these juvenile cases — well, say a son shoots his father — a little thing called murder. Some of these courts feel that it is too much for them to handle, so they refer the case to the superior court. All this bill does is to clarify this situation."

Senator Packard:

"I wish a definite statement from Senator Cleveland that this does not open up, in any way, for public inspection, those records of juvenile cases."

Senator Cleveland:

"I will not make such a statement." (Reads from the bill which states that these records would be open for inspection only by representative of the juvenile, probation commissioner, or persons having legitimate interest). "Perhaps Senator Bennett, who is owner of a newspaper, might give his idea on this matter."

Senator Packard questioned Senator Bennett:

"Would that include the press?"

Senator Bennett:

"I believe that this is clearly a matter for the judge to decide."

Senator Packard:

"I would still like a definite statement. If I do not obtain that, I shall make a motion to indefinitely postpone this bill."

Senator Cleveland:

"Let me say this. There is no certainty in the law. I am

not trying to evade your questions. I might suggest that you lay this law along side the present law. This law could permit access to the records, if the judge wishes."

The President questioned Senator Cleveland:

"As I recall, in that famous case that went before the supreme court a few years ago — the supreme court ruled that records of juvenile cases in municipal court were open to the eyes of the press. Is that correct?"

Senator Bennett:

"I think that in some cases, that is true. For instance, in motor vehicle cases. I understand that this would not be true in superior court.

The Chair stated:

It is the Chair's understanding that the same situation would prevail if, in the opinion of the superior court judge, he can reveal to the press, but the press is restricted in what information it prints."

Senator Bennett:

"I would say not. If he had a felon — who had committed murder — it would not be so. That would be access to a case already known."

Senator Holmes asked Senator Cleveland:

"Was there not a provision in the law before that gave the judge this discretion?"

Senator Cleveland replied in the affirmative.

Senator Holmes to Senator Cleveland:

"Did the probation department support this bill?"

Senator Cleveland:

"The representative of the probation department had no objection."

Senator Packard:

"If the Senate will be in a sitting recess, a member of the press here can inform us."

The Chair declared a two minute sitting recess.

(Recess)

The Senate re-assembled.

Question being on the adoption of the amendment offered by the committee to SB 197.

Senator Packard:

"I have not received a satisfactory answer. I am still in doubt about the legality of the press in having access to these records. I would move that there should be a footnote put on the bill and in the Journal to the effect that this cannot be information over and above the intent of the present law."

Senator Cleveland in reply to Senator Packard:

"There is nothing in this bill that has anything to do with juvenile cases in juvenile court. For your information, I will read to you the present law. Probably one out of one hundred cases were transferred to superior court. I cannot give a definite answer. It is up to the discretion of the judge."

Senator Rainie:

"Mr. President, it seems as if it had been made plain to most of the people in this room what this amendment says. It pertains to a matter that may become very serious. I move the previous question."

Seconded by Senator Bennett, and Senator Holmes.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

Question being on the adoption of the amendment offered by the committee.

On a *viva voce* vote, the amendment was adopted.

Senator Packard asked this question of Senator Rainie:

"Can you specifically state to me that this amendment does not open the records of the court for inspection by the press on juvenile cases?"

Senator Rainie replied:

"I would say that this removes to a certain degree the secrecy that has previously shrouded these records. But it does not indiscriminately open the records except to responsible persons."

Senator Holmes:

"I would just like to repeat that no one is more opposed to the publication of names in juvenile cases than Mr. Regan

of the probation department. I talked with him about this and he stated that he has no objection."

Senator Packard:

"I wish to have the record show all that has been said here today about this bill and amendment."

On a *viva voce* vote, the above entitled bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 200, An Act relating to approved schools of hair-dressing. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass with amendment.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect July 1, 1957.

Senator DeLude:

"Mr. President, the amendment was added simply because this entire bill is to again protect New Hampshire Hairdressing Schools in order that they may compete with classes in Vermont and Maine. If we do not make this bill effective July 1, the graduates here would not be able to get into other states. Maine and Vermont now stipulate that approved hairdressers must have only 9 month's schooling. New Hampshire's regulation provides for one year's training. This puts them on a comparable standard."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 300, An Act providing for a first-aid room in the State House. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass.

The Chair stated that he would refer the above entitled bill to the Committee on Finance, under the rules.

Senator DeLude:

"Mr. President, I believe that it is not necessary to refer this to the Committee on Finance. The provision for having a nurse on duty during the legislative session is already in effect. This will be just a continuation of the same."



The Chair stated that he would still refer the bill to the Committee on Finance.

HB 179, An Act relative to exemptions under motor vehicle road toll law. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass with amendment.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect July 1, 1957.

Senator Rainie:

"Mr. President, the only amendment offered by the committee was to correct or supply the date when this act should become effective, which had been omitted in the House in error."

On a *viva voce* vote, the amendment was adopted.

Senator Rainie:

"Mr. President, this bill has to do with the rebate of the gasoline tax to those persons who use gasoline otherwise than in automobiles travelling on the road. Particular reference to farmers who use gasoline on the farms. The cans hold 5 gallons. As it is now, they report every 90 days. This has made it very bad for the farmers. The period has been increased by this bill from 90 days to 6 months. It appeared by the evidence presented to the committee that it would operate to better advantage for the farmer than it has in the past."

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 432, An Act providing for salaries for members of the Somersworth city council. Report of the Committee on Ways and Means (Senator DeLude) : Ought to pass.

Senator Rainie:

"Mr. President, all this bill does is to provide \$150 per year as salary for the members of the Somersworth city council. Previously, they have received no salary."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 137, An Act exempting totally disabled persons from the payment of poll and head taxes. Report of the Committee

on Ways and Means (Senator DeLude) : Ought to pass with amendment.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Head Taxes.* Amend 1955, 29:15 by adding at the end thereof the sentence: Upon written request filed on or before April fifteenth persons totally disabled whose income is less than one thousand dollars a year shall be exempt from payment of the special head tax, so that the same as amended shall read as follows: 29:15. *Exemptions.* All persons on active duty in the armed forces of the United States of America on the date of assessment shall be exempt from payment of the special head tax. Veterans permanently and totally disabled from service connection who are drawing federal compensation or pension and whose income, exclusive of said compensation or pension, is less than one thousand dollars a year, upon written request filed on or before April fifteenth, shall be exempt from the special head tax. Upon written request filed on or before April fifteenth persons totally disabled whose income is less than one thousand dollars a year shall be exempt from payment of the special head tax.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

Senator Rainie:

"Mr. President, this bill has to do with the relief of disabled persons from the payment of head taxes. Under the original bill they were exempt. The amendment adds these words 'unless their income is more than \$1,000 per year.'"

On a *viva voce* vote, the amendment was adopted.

Senator Rainie:

"Mr. President, this bill has to do with totally disabled persons who have no ability to pursue a gainful occupation. Appears in paragraph 3. Section 1 of this bill exempts all disabled persons coming within the terms of the bill from the payment of a poll tax. With income less than \$1,000, exempt from the payment of a head tax."

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

The President recognized Senator Packard:

"I can't resist the temptation to compliment Senator Cleveland on his persistency — he finally got this bill through."

Senator Cleveland thanked Senator Packard for not having lowered the boom.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred Senate Bill No. 91, An Act relative to interstate compacts on mental health, having considered the same, recommended that the Senate recede from its position of non-concurrence in the House amendment, that the House recede from its position in the adoption of its amendment and that the House concur with the Senate in the passage of the bill.

MARGARET B. DeLUDE,  
LOUIS W. PAQUETTE,

*Conferees on the Part of the Senate.*

AUSTIN R. TURNER,  
Wm. H. CRAIG, Jr.,  
HOWARD P. SAWYER,

*Conferees on the Part of the House.*

On motion of Senator DeLude, the Senate voted to adopt the report of the Committee of Conference.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate bills:

SB 89, An Act relating to the confidential nature of adoption records and proceedings.

SB 99, An Act changing the title of overseer of the poor to overseer of public welfare.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

On motion of Senator Daniel, the Senate went into afternoon session.

### **Afternoon Session**

Senator Bergeron presiding.

### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 137, An Act exempting totally disabled persons from the payment of poll and head taxes.

SB 197, An Act relative to cases transferred from juvenile court to the superior court.

SB 200, An Act relating to approved schools of hairdressing.

HB 179, An Act relative to exemptions under motor vehicle road toll law.

HB 432, An Act providing for salaries for members of the Somersworth city council.

### **Invitation**

Senators Lamontagne and O'Brien extended an invitation to the Senate to be their guests on a trip through the north country and requested them to set a date most acceptable to the members.

On motion of Senator Rainie, the Senate accepted the invitation for Thursday, June 27.

The President announced that Senator Holmes of District No. 12 would preside on Tuesday.

On motion of Senator Provost, the Senate adjourned at 1:22 o'clock to meet next Tuesday morning at 11:00 o'clock.

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TUESDAY, JUNE 25, 1957

The Senate met at 11:00 o'clock.

Senator Holmes, District No. 12, presiding.

### **Introduction of Guests**

The President welcomed back to the Senate, Senator Caron of District No. 17, who had been absent for several weeks because of illness.

The President welcomed to the floor of the Senate, and as the guests of Senator Karkavelas, Mr. and Mrs. William L. Dunfey of Durham.

On motion of Senator Karkavelas, the rules of the Senate were so far suspended as to permit the introduction of a Senate bill.

### **Introduction, First and Second Reading of Senate Bill**

SB 203, An Act relative to the appeal of Frederick C. Pearson, Jr. and Avis G. Pearson from taking and award by State of New Hampshire.

Introduced by Senator Karkavelas.

Referred to the Committee on Transportation.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials.

### **Introduction, First and Second Reading of House Bill**

HB 291 to the Committee on Finance.

### **House Message (continued)**

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 128, An Act relative to investments of savings banks and loans by trust companies.

### **Committee Reports**

SB 187, An Act providing for the acquisition of Lake Shore Park in Gilford. Report of the Joint Committee on Finance and Resources, Recreation and Development (Senator Merrill): Ought to pass.

Senator Rogers:

"Madam President, the Chairman of the Joint Committee has asked me to explain this bill briefly because as the sponsor of the bill, I have made considerable study of the situation and probably am more familiar with the various features of this bill than other members of the committee. The purpose of this bill is to provide New Hampshire, through its recreation division, with facilities for an expected increased demand for

beach property. It will make the property available primarily for our own residents, and secondly for the visitors who come in to New Hampshire. This lake shore park is adjoining the Paige property which is already owned by the State. The bill provides that the State may lease this property back to private owners for a period not exceeding five years. The purpose of this provision is so that if the State finds it advisable to postpone the development, or for the sake of public good will, to allow the owners of private cottages now located in the park to have time to move their cottages off the park, then the State may derive income from this during the five years. No lease can extend beyond June 1, 1962. The bill provides that the Governor and Council, upon the recommendation of the Forestry and Recreation Commission, may purchase the park at a sum not to exceed \$500,000 and may issue bonds for that purpose. The obvious need for increased facilities was pointed out to the committee by some 25 persons, none of whom, with one or two exceptions, had any personal or financial interest in this park. The need for these facilities is very well shown, particularly by the increase in the registration of boats. It was pointed out that in the past ten years the number of boats registered has increased three times the number registered ten years ago. That demand for facilities to launch boats, the demand for people to have facilities for swimming as well as boating, and for group activities appeared to outweigh any objection in the minds of the committee that the price that the State would have to pay would be considered excessive. The property is definitely on the market and is being held for the State for first refusal. The cost is approximately \$100 a front foot, which seems not unreasonable. If the State does not buy it, it will be offered for sale to private individuals."

Senator Karkavelas inquired of Senator Rogers:

"In other words, this could be handled by private enterprise rather than having the State spend half a million dollars?"

Senator Rogers:

"As private enterprise, it will serve only a few families. As a state park, it will accommodate up to 4,000 people. This would not be so if a private enterprise."

Senator Lamontagne inquired of Senator Rogers:

"Do you feel at the present time, that the State can afford to go into this type of project?"

Senator Rogers:

"My belief is that this is a good investment for the State. I am not arguing that the State should go into it for the purpose of making a profit. But I believe that it is the best kind of a business investment for the State."

Senator Lamontagne:

"What I would like to know is whether or not we can afford it at the present time?"

Senator Rogers:

"The money will be provided by a long term bond issue and would not affect the budget of the State in the next bien-nium or the general budget of the State as long as the State may choose to lease it to private owners. In my judgment, the cost of all the improvements would be liquidated within the next 20 years and the original price of the purchase would be returned to the State."

Senator Lamontagne inquired of Senator Rogers:

"Would the town of Gilford lose much in taxes from the property in that neighborhood?"

Senator Rogers:

"At the present time, property value is at a very low figure. The total amount was tabulated and reported to the committee as \$5,000. One of the selectmen of the town of Gilford and the Representative from the town appeared in favor of it, I have heard of no serious objection. There will be some increase in valuation of property on nearby land. The expectation is that the total valuation in the town of Gilford will not suffer. Within four or five years the money will be replaced."

Senator Humphreys inquired of Senator Rogers:

"Who owns this property now?"

Senator Rogers:

"A family by the name of Jones. When I went there to talk about the land about six weeks ago, I learned that some of them reside in Laconia and some in Rochester. It is a family ownership."

Senator Humphreys inquired of Senator Rogers:

“As I understand it, it includes about 119 acres, which would mean payment of between \$4,000 and \$5,000 per acre. Is not that a high price?”

Senator Rogers:

“The committee has given this matter lengthy consideration. When this property was offered for sale and when I first became interested in suggesting or recommending that the State buy it, I checked and found out that beach property in that area is desirable. I have talked with people who know the demand and increase in this type of property. There is a great deal of depth to this lot. There is a quantity of good standing pine, which should be preserved and used as any good timber should be — by grading and selective cutting. This section is well back and could be used for parking and picnicking. I would consider it a top price. \$550,000 was the price first asked. Two agencies are involved — each of whom will receive 3% of the purchase price if the property is sold. There is no one else involved personally or financially. In my judgment, the property will be sold to private operators in the future if the State does not take it. It will not be developed for the betterment of the people of New Hampshire. The State Recreation division has made a very careful study and report which was available to the members of the committee. If the members of the Senate desire more time to study this, I believe copies are available.”

Senator Lamontagne:

“I believe that certainly the Senate should look into this matter. I believe that we are going into a big project. I would move that this bill be laid upon the table and made a Special Order of Business for next Monday, July 1, at 11:01 o'clock.

On a *viva voce* vote, the motion carried.

Senator Packard requested that Senator Rogers obtain the copies mentioned above for all members of the Senate. Senator Rogers agreed.

### Committee Report

HB 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of



said projects. Report of the Committee on Engrossed Bills (Senator Horner): Report the same under Joint Rule No. 6 with the following amendments and recommend that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Municipal Sewerage Systems.* Amend RSA 33 by inserting after section 5-a as inserted by 1957, 142:2 the following new section: 33:5-b. *Voluntary Projects.* Any

Further amend said section 1 by striking out the figure 33:5-b in the thirteenth line and inserting in place thereof the figure, 33:5-c.

Further amend said section 1 by striking out the reference "RSA 33:5-a" in the fourteenth line and inserting in place thereof the reference, RSA 33:5-b.

On motion of Senator Rainie, the reading of the amendments was dispensed with.

Senator Rainie:

"Mr. President, these amendments are merely technical ones. This particular bill has been adapted to other statutes. There has been no change in the effect of the bill, but it has been brought into line with statutes previously enacted."

On a *viva voce* vote, the amendment was adopted.

### **Special Order of Business — 11:01 O'Clock**

Senator Packard called for the Special Order.

Question being on the motion of Senator Rainie that the Senate non-concur in the adoption on the amendment sent up from the House of Representatives to SB 165, An Act relating to purchase of liability insurance under a fleet policy, and that a Committee of Conference be appointed.

Senator Rainie spoke in favor of the motion, stating three reasons for his favoring: the ethical point of view; economical point of view; and being unconstitutional.

Senator Packard spoke against the motion, as follows:

"There are many arguments on both sides of any question. In this particular case, I think the arguments are just as strong for the amendment as against it. The question is do we wish to protect home industry. I feel very strongly in that respect,

no matter what the business. Whether it be insurance or seat covers — if I don't say it, someone else will. We have many competitive people here. We have some big companies. We have people well qualified to act in insurance matters. I have no doubt there is much dissatisfaction about this. The service involved is a very important feature. In my own business, I have considerable insurance of various kinds. It is not only the type of insurance, but it is the service also. Let's find out about this matter. If this goes to a Committee of Conference, as I stated last Thursday, one member holding out can kill the whole bill. I think the original part of the bill was good legislation. The House saw fit to pass this amendment — there are many insurance people in there. I believe the Senate should go along with the amendment. If this motion is killed, I will then move to re-consider."

Senator Bergeron spoke against the motion of nonconcurrency and stated that he felt that the previous speaker was not wholly conversant with the subject.

Question being on the motion of Senator Rainie, and Senator Rainie demanded a roll call.

Senator Bergeron inquired of the Chair if he might be excused from voting?

The Chair referred him to section 12 of the Senate Rules.

There being objection by the membership, Senator Bergeron withdrew his request.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Rainie, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

Thirteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the motion carried.

Pursuant to the above, the Chair appointed as members of the Committee of Conference on the part of the Senate, Senators Anderson and Bergeron.

On motion of Senator Merrill, the order whereby HB 300,

An Act providing for a first-aid room in the state house, was referred to the Committee on Finance was vacated, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Resolution**

On motion of Senator Bennett, the following resolution was adopted:

*Whereas*, the Fourth of July, falls upon Thursday, therefore be it

*Resolved*, that sessions of the Senate be held on Monday, Tuesday and Wednesday, July 1, 2 and 3.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading of Bill**

The following bill was read a third time, and passed:

HB 300, An Act providing for a first-aid room in the state house.

### **Resolution**

On motion of Senator Lamontagne, the following resolution was adopted:

*Whereas*, today, June 25, 1957, is the forty-fifth wedding anniversary of Senator Louis W. Paquette, Senator from the 13th District, and former member of the House, and his wife, therefore be it

*Resolved*, that we, the Senate, extend our heartiest congratulations on this memorable occasion and our very best wishes to Senator "Louis" and Mrs. Paquette for many more happy years together, and be it further

*Resolved*, that the Clerk of the Senate transmit a copy of these resolutions to our fellow member and his wife.

Senator Paquette expressed his sincere thanks for their thoughtfulness and good wishes.

Senator Humphreys called for the report of the Senate Counsel in connection with SB 141, An Act authorizing rehabilitation work in redevelopment projects.

These remarks are in answer to the questions raised by the resolution introduced by Senator Humphreys on Thursday,

June 13, 1957, as appear on Page 773 in the Journal of the same date with reference to the proposed amendment to Senate Bill No. 141, as appears in the Journal of the Senate for Wednesday, June 12, 1957, Page 756.

Before answering the direct questions, it might be well to set forth background material as to public housing laws. RSA 203, Revised Laws, N. H., deals with housing authority laws. This is permissive legislation and must be adopted by the governing body of the municipality before a housing authority can be established under this chapter. RSA 204 deals with housing projects. RSA 205 deals with redevelopment projects, also known as urban redevelopment and urban renewal.

The Housing Act of 1949 set forth Federal legislation dealing with the various public housing and urban redevelopment projects. This legislation did not provide for voluntary repair and rehabilitation or other improvements in accordance with urban renewal plan. At times, this deficiency worked hardships on some individual property owners. By amendment, a provision to carry out plans for a program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan, was incorporated into the Housing Act of 1949. At the present time, and under existing Federal statutes, a property owner whose building is included in a redevelopment area and whose building is not in a blighted or deteriorated condition, and said building would comply with the general plan of redevelopment, then the housing authority and property owner can enter into an agreement to carry out a program of voluntary repair on the building in question. The addition of this provision in the National Housing Act would prevent the demolition or removal of a building not in a blighted or deteriorated condition if the building would fit into the general plan for redevelopment for that particular area.

The purpose of Senate Bill 141, with proposed amendment, is to bring our state laws governing redevelopment projects into conformity with existing federal legislation. At the present time, in our state laws, we have no provision for carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements in accordance with urban renewal plan. It might be advisable to read from

the National Housing Act the definition of "urban renewal plan":

"Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan of the locality as a whole and to the workable program referred to in section 101 hereof; (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; and (3) shall include, for any part of the urban renewal area proposed to be acquired and redeveloped in accordance with clause (1) of the second sentence of subsection (c) of this section, a redevelopment plan approved by the governing body of the locality."

Page 16.

The problem raised by Senator Humphreys as to voluntary and compulsory repair can be answered rather briefly. Federal legislation makes no provision for compulsory repair and rehabilitation of buildings. In fact, in my opinion, it is expressly excluded. Reading from the National Housing Act:

"For the purposes of this title, the term 'Project' shall not include the construction or improvement of any building, and the term 'redevelopment' and derivatives thereof shall mean development as well as redevelopment."

In view of these findings, it is my opinion that in order to bring our state laws, with reference to redevelopment projects, into conformity with existing federal legislation, the words "or compulsory" in section 2 of the proposed amendment to Senate Bill 141 should be stricken out. In any event, with reference to redevelopment projects, after the plan is formulated and approved by the local housing authority, it has to be adopted by the governing body of the municipality before it becomes effective.

In closing, it may be advisable to clarify the provision for voluntary repairs, as used in the National Housing Act of 1949 and in the proposed amendment to Senate Bill 141. If an agreement as to voluntary repairs to an existing building is entered into by the local authority and the individual property owner, the cost of said voluntary repair shall be borne solely by the individual property owner, with no contribution from the local authority or federal agency.

The Chair announced that the presiding officer for the session of Wednesday, June 26, would be the Senator from District No. 8, Senator DeLude.

On motion of Senator Paquette, the Senate adjourned at 1:07 P. M.

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WEDNESDAY, JUNE 26, 1957

The Senate met at 11:00 o'clock.

Senator DeLude, District No. 8, presiding.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator Lamontagne, Mr. Arthur Bergeron, Jr. of Berlin, a student at Middlebury College at Middlebury, Vermont, and the son of Attorney Arthur Bergeron of Berlin.

As the guest of Senator Cleveland, Mr. Harry B. Harris of New London.

### **Introduction, First and Second Reading of Senate Bill and Joint Resolution**

SB 204, An Act relative to payment for claims for damages due to activities of the department of public works and highways.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

SJR 7, Joint Resolution providing for an investigation of gasoline prices in the State of New Hampshire.

Introduced by Senator Lamontagne.

Referred to the Committee on Finance.

In connection with the above captioned joint resolution, Senator Lamontagne spoke as follows:

*Mr. President:*

I have introduced this resolution because I believe that there is a need of investigation of gasoline prices from the gasoline companies, because of the high price of gasoline in this State. I know that Governor Lane Dwinell and the Attorney General are doing all they can to correct high priced gasoline. I have read the committee report from Vermont who had subpoena power in their state and that didn't work out too well. You will notice that I did not ask for subpoena power for this committee who will work with the Attorney General's office and Commissioner of Motor Vehicles, Frederick Clarke. I am asking for support for this special committee to prepare legislation and to present a bill to us as soon as possible. I believe the only way this matter can be corrected is by introducing legislation. I would like to give the Senate an example of what happened in the service stations in Greater Boston. Socony abandoned fair trade practice. Regular gas was cut to 22.9, high test, 25.9.

The reduction followed on an announcement made by the Socony Mobil Oil Co., that it has discontinued fair trade practice in Massachusetts, Connecticut and Rhode Island.

Certainly when you compare prices of gasoline with your neighboring State and find such a difference in the price, the investigation is well needed for the benefit of the people. I would like to point out that the people I represent are faced with higher gasoline prices than the lower part of the State. The Senator from the Second District is also faced with high-priced gasoline. When a salesman comes to my district as well as the Second District, he would buy \$1.00 worth of gas so that he could get to the lower part of the State to fill his tank. I, personally, can buy gasoline cheaper down this way than I can get it wholesale at home.

I hope the Senate will support this resolution.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 440, An Act legalizing action taken at the meeting of

the Reed's Ferry Village Water and Sewer District held March 25, 1957.

**Introduction, First and Second Reading of House Bill  
HB 440 to the Committee on Judiciary.**

**House Message (continued)**

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 150, An Act relative to factors' liens.

SB 170, An Act relative to dog registration tags.

SB 183, An Act relative to duties of the legal counsel to the Senate.

SB 184, An Act relating to extension and reamortization of mortgage loans to veterans.

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 161, An Act relative to contracts for projects for the fish and game department.

Amend section 1 of the bill by inserting after the words, "ten thousand dollars," in the fourth line the words, and not more than fifty thousand dollars, so that said section as amended shall read as follows:

1. *Fish and Game Contracts.* Amend RSA 228:4 by inserting after paragraph I of said section the following new paragraph: I-a. Notwithstanding the provisions of paragraph I projects for the fish and game department and the recreation division in excess of ten thousand dollars and not more than fifty thousand dollars may be done on a force account basis upon recommendation of the public works and highway commissioner that such procedure is in the best interests of the state, with the approval of the governor and council.

On motion of Senator Rhodes, the Senate voted to non-concur in the adoption of the above amendment and request the appointment of a Committee of Conference.



Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Rhodes and Anderson.

SB 451, An Act providing for a deputy superintendent at Laconia State School.

Amend section 2 of said bill by striking out the figures "\$6,420.18" in the third line and inserting in place thereof the figures, \$5,039.00, and by striking out the figures "\$7,704" in the third line and inserting in place thereof the figures, \$6,067.00, so that said section as amended shall read as follows:

2. *Salary.* Amend RSA 94:1 by inserting after the deputy superintendent, industrial school, the following: Deputy superintendent, Laconia State School, minimum \$5,039.00, maximum \$6,067.00.

On motion of Senator Adams, the above entitled bill with proposed amendment was laid upon the table and made a Special Order of Business for next Monday morning at 11:02 o'clock.

SB 142, An Act relative to the charter of the City of Laconia to clarify a section relating to schools.

Amend said bill by striking out section 3 and inserting in place thereof the following: 3. *Validation of Bonds and Notes.* Nothing contained in this act shall in any way adversely affect or impair the validity of outstanding bonds or notes previously issued by the city of Laconia or by said city in its capacity as the Laconia School District, all of said outstanding bonds and notes being hereby validated and approved.

On motion of Senator Rogers, the Senate voted to concur in the adoption of the amendment.

The House of Representatives has voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

HB 178, An Act relative to reimbursement for forest fire expenses.

Amend section 1 of said bill by striking out the first eight lines and inserting in place thereof the following:

1. *Forest Fires.* Amend RSA 224:28 by striking out the words "or both" and inserting in place thereof the words, or the United States, or any or all of the same, so that said section as amended shall read as follows: 224:28. *Liability for Fires Without Permit.* Any person causing or kindling a fire without permit of the forest fire warden, when such permit is required, and any person by whose negligence or the negligence of his agents any fire shall be caused, shall be liable in a civil action for the payment to the town, or the state or the United States, or any or all of the

On motion of Senator Bennett, the Senate voted to concur in the adoption of the amendment.

The House of Representatives has voted to concur with the Honorable Senate in its amendment to the following entitled bill:

HB 179, An Act relative to exemptions under motor vehicle road toll laws.

The House of Representatives has voted to refer to the Legislative Council the following entitled bill, sent down from the Honorable Senate:

SB 66, An Act relating to the taxation of house trailers and mobile homes.

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

SB 91, An Act relative to interstate compact on mental health.

On motion of Senator Lamontagne, the Senate voted that the order whereby SJR 7, Joint Resolution providing for an investigation for gasoline prices in the State of New Hampshire, was referred to the Committee on Finance be vacated.

On further motion of the same Senator, the rules of the Senate were so far suspended as to dispense with printing and reference to committee and the joint resolution was laid upon the table and made a Special Order of Business for next Tuesday morning, at 11:01 o'clock.

### Committee Reports

HJR 32, Joint Resolution relative to Hampton Beach parking areas. Report of the Joint Committee on Resources, Recreation and Development and Finance (Senator Horner): Ought to pass.

Senator Bennett:

"Madam President, this bill makes an appropriation of some \$30,000 of state funds to replace a similar appropriation of some two years ago which has lapsed. \$18,000 of the money will be used for the erection of light poles and bases at the Hampton Beach parking area. The town of Hampton will pay for the poles and all but about 10% of the electrical energy which will be used to light these new lights. The additional \$20,000 is going to be spent to complete the erosion prevention program at Boars Head. Both of these projects were originally planned in the initial act in Hampton, but the committee was unanimous in feeling that since these funds have elapsed, they should be reenacted this year. The situation there is dangerous. There are no lights along the sea area. During the reconstruction there, the poles were taken down and have not been replaced. There was no opposition at the hearing."

Senator Rogers inquired of Senator Bennett:

"Since I was not at the hearing, can you advise whether the Department of Public Works indicated that this appropriation would be adequate to accomplish any useful purpose?"

Senator Bennett replied:

"No representative of the Public Works Department was there, but an engineer indicated that this was merely the completion of what had to be done in the dumping in to the present cement wall, materials to prevent the breaking up of the wall. Two representatives from Hampton were present and also one of the selectmen. All indicated that this would be a sufficient sum of money to complete what they had in mind."

Senator Rogers:

"While \$12,000 is not a very large sum, and in view of the fact that it would have to be done by the Department of Public Works — I would appreciate some information from Senator Merrill."

Senator Merrill:

"This particular work was going to be done by the De-

partment of Public Works and we thought that the funds were available and all arrangements made and then they discovered that the funds had lapsed, so there was no alternative except to bring in this bill. The Department of Public Works knows all about it."

Senator Rogers:

"I have complete confidence in Senator Merrill and if he says the Public Works Department knows of this, I will accept his word."

Senator Merrill:

"It was the Public Works and Highways Department that was doing the work and they have done the work previously and this department was the one that was contacted in regard to completing this \$12,000 job."

Senator Rogers:

"I was informed that this \$20,000 was spent, but did not accomplish the purpose for what it was intended. My question is — will this \$12,000 just be dumped in without accomplishing any useful purpose?"

Senator Merrill:

"I would not want to say that \$12,000 will do a complete and 100% job. It will, however, not be wasted in connection with the serious erosion on Boars Head. I do feel that as time goes on, more money will have to be spent. The outside of the Head has been pretty well taken care of. Similar improvement is being done on the north side which seems to be the only practical approach there unless spending thousands and thousands of dollars."

Senator Rogers:

"I have no objection and favor the passage."

Senator Packard inquired of Senator Merrill:

"If my memory serves me right, two years ago, when this original bill was passed, I thought that this was federal money and under a bond issue and not under general funds."

Senator Merrill:

"The wall was a bond issue. Federal funds were involved in dredging and erosion. The funds that were used previously had come from the same source, I believe, but I am not positive."

Senator Packard stated that he was not opposing the bill, but was wondering if we are deriving the money which has lapsed from the right source.

Senator Merrill:

“If the bond issue was used, whatever fund it went to, we can only put it back by one of two ways — out of general funds or by bond issue.”

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

SB 193, An Act relative to membership in the council on resources and development. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass.

Senator Bennett:

“Madam President, this bill is very simple. It only adds the provision that a member or representative of the Department of Public Works can sit with the Resources, Recreation and Development council which is purely an advisory group which is now composed of representatives of five state departments. That is the sole intent of the bill and there was no opposition at the hearing.”

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 171, An Act relative to rights of surviving husband and wife. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Widow, Personalty.* Amend RSA 560:10 by inserting after paragraph III the following new paragraph: If intestate, and he leaves no issue surviving him, nor mother or father, nor sister or brother surviving him, ten thousand dollars of the value thereof, plus one thousand dollars for each full year from the date of marriage to decease of spouse, and also one-half in value of the remainder above said sum computed as above.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following

4. *Special Cases.* Amend RSA 560:11 by inserting after paragraph III the following new paragraph: IV. If intestate, and he leaves no issue surviving him, nor mother or father, nor sister or brother surviving him, ten thousand dollars of the value thereof, plus one thousand dollars for each full year from the date of marriage to decease of spouse, and also one-half in value of the remainder above said sum computed as above; and the same shall be assigned to her in the same manner as dower is assigned. But where the inventory value of all his real estate does not exceed ten thousand dollars she shall be entitled to the whole of said remainder and no assignment of the same to her shall be required unless some party in interest shall petition the probate court therefor.

Amend section 6 of said bill by striking out the same and inserting in place thereof the following:

6. *Special Cases.* Amend RSA 560:12 by inserting after paragraph III the following new paragraph: IV. If intestate, and she leaves no issue surviving her, nor mother or father, nor sister or brother surviving her, ten thousand dollars of the value thereof, plus one thousand dollars for each full year from the date of marriage to decease of spouse, and also one-half in value of the remainder above said sum as computed above.

Amend section 8 of said bill by striking out the same and inserting in place thereof the following:

8. *Special Cases.* Amend RSA 360:13 by inserting after paragraph IV the following new paragraph: V. If intestate, and she leaves no issue surviving her, nor mother or father, nor sister or brother surviving her, ten thousand dollars of the value thereof, plus one thousand dollars for each full year from the date of marriage to decease of spouse, and also one-half in value of the remainder above said sum computed as above; and the same shall be assigned to him in the same manner as dower is assigned to a widow. But where the inventory value of all her real estate does not exceed ten thousand dollars he shall be entitled to the whole of said remainder and no assignment of the same to him shall be required unless some party in interest shall petition the probate court therefor.

Senator Humphreys:

“Madam President, I would like to explain the bill along with the amendment which seems practical to do. The first thing to bear in mind is that it has no bearing whatsoever on the inheritance laws where a will is left. This solely deals with inheritance where the deceased dies intestate. The bill has no bearing on inheritance laws where the deceased is survived by issue, or by mother, father, sister or brother. The bill has no bearing on inheritance where there are close, immediate kin. The bill would apply to very few people. It happens, however, and has happened in the past where occasionally a man dies and his widow received probably insufficient money to keep her for the rest of her life, and part of his estate, under the present law, the sizable part in some cases, will go to distant cousins while the widow is left with insufficient money. This bill was designed to give the widow a better break where the man dies intestate and with no immediate kin. The present law gives, in such cases, the widow \$10,000 plus half of the remainder of the estate. The original bill was written to raise that to \$20,000 and half of the estate. After the bill was written, it was felt that we were legislating for the benefit of fortune hunters. So, to correct that, and to make the bill still serve the purpose, the bill was amended to provide that the widow would now receive \$10,000 plus \$1,000 for each year of marriage, plus half of the remainder. So it would certainly give the widow a better break and perhaps prevent her from going on charity in later life.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 60, An Act to determine the responsibility for the intentional or negligent contribution to the delinquency of a minor. Report of the Committee on Engrossed Bills (Senator Horner): Report the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1. *Delinquency.* Amend RSA 169, as amended by 1957, 124:1 by inserting at the end of said

Further amend said section 1 by renumbering the sections

of the new subdivision as inserted therein from 169:31 to 169:35, inclusive, to read 169:32 to 169:36

Amend section 3 of said bill by inserting after the number of the section the following:

*Issuance of Licenses and Registration to Minors.* Amend RSA 260 by inserting after section 8 the following new section: 260:8-a. *Special Requirements.*

On motion of Senator Rainie, the Senate concurred in the adoption of the amendment offered by the Committee on Engrossed Bills.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 374, An Act relative to interest from date of writ in certain civil actions, having considered the same reported the same with the following recommendation:

That the House recede from its position of non-concurrence and concur with the Senate in the adoption of its amendment.

SAMUEL GREEN,  
GEORGE W. SMITH,  
JOHN W. KING,

*Conferees on the Part of the House.*

J. C. CLEVELAND,  
LOUIS W. PAQUETTE,

*Conferees on the Part of the Senate.*

On motion of Senator Cleveland, the Senate voted to concur in the adoption of the Committee of Conference report.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

The following bills and joint resolution were read a third time, and passed:

SB 171, An Act relative to rights of surviving husband and wife.

SB 193, An Act relative to membership in the council on resources and development.

HJR 32, Joint Resolution relative to Hampton Beach parking areas.



The Chair announced that Senator Horner, District No. 3, would preside at tomorrow's session of the Senate.

On motion of Senator Humphreys, the Senate adjourned at 12:05 to meet tomorrow morning at 8:00 o'clock.

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THURSDAY, JUNE 27, 1957

The Senate met at 8:00 o'clock, according to adjournment.  
Senator Horner, District No. 3, presiding.

### **Introduction of Guest**

The President welcomed to the floor of the Senate, and as the guest of Senator English, Mrs. English of Hancock.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 437, An Act relative to annual salaries of the Carroll County Commissioners.

HB 441, An Act relative to constitutional amendment ballots.

HB 443, An Act to repeal charters of certain corporations.

HB 116, An Act relative to fishing, sale of bait, and hunting and fishing licenses for members of the armed forces and military personnel.

### **Introduction, First and Second Reading of House Bills**

HB 437 to the Committee on Ways and Means,

HB 441 to the Committee on Judiciary.

HB 443 to the Committee on Judiciary.

HB 116 to the Committee on Fisheries and Game.

### **House Message (continued)**

The House of Representatives has voted to accede to the request for a Committee of Conference on the following entitled bill:

SB 165, An Act relating to purchase of liability insurance under a fleet policy.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Lamprey of Moultonborough, Eastman of Weare and McMeekin of Haverhill.

The House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled joint resolution, sent down from the Honorable Senate:

SJR 1, Joint Resolution in favor of Margaret C. Coll.

The House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 74, An Act relative to the date for an annual town meeting.

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bills:

HB 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of said projects.

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 374, An Act relative to interest from date of writ in certain civil actions.

The Committee of Conference, to whom was referred House Bill No. 374, An Act relative to interest from date of writ in certain civil actions, having considered the same reported the same with the following recommendation:

That the House recede from its position of non-concurrence and concur with the Senate in the adoption of its amendment.

SAMUEL GREEN,  
GEORGE W. SMITH,  
JOHN W. KING,

*Conferees on the Part of the House.*

J. C. CLEVELAND,  
LOUIS W. PAQUETTE,  
*Conferees on the Part of the Senate.*

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 43, An Act relative to limitation on committals to the Laconia State School.

SB 73, An Act relative to optional allowances under the teachers' retirement system and to date of modification of integrated systems.

SB 118, An Act legalizing the organization meeting for the cooperative school district in Hampton, Hampton Falls, North Hampton and Seabrook.

On motion of Senator Rainie, the Senate went into afternoon session.

On motion of Senator Rainie, the Senate adjourned at 3:17 o'clock, to meet next Monday morning, July 1, at 11:00 o'clock.

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MONDAY, JULY 1, 1957

The Senate met at 11:00 o'clock.

**Leave of Absence**

Senator English requested leave of absence for the day on account of important business. This request was granted by the President.

**Introduction, First and Second Reading of Senate Bills**

SB 205, An Act relative to by-laws, officers, and credit committee of credit unions.

Introduced by Committee on Rules.

Referred to the Committee on Banks and Insurance.

SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank.

Introduced by Committee on Rules.

Referred to the Committee on Banks and Insurance.

On motion of Senator O'Brien, the rules of the Senate were so far suspended as to dispense with the printing of the above entitled bill.

SB 207, An Act relative to the sale of the Berlin Armory.

Introduced by Committee on Rules.

Referred to the Committee on Finance.

SB 208, An Act relative to abatement for overpayment of income taxes.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

SB 209, An Act relating to deputy clerks of court.

Introduced by Committee on Rules.

Referred to the Committee on Judiciary.

On motion of Senator Daniel, the rules of the Senate were so far suspended as to permit the introduction of a Senate bill.

#### **Introduction, First and Second Reading of Senate Bill**

SB 210, An Act relative to the military staff of the governor.

Introduced by Senators Provost and Daniel.

Referred to the Committee on Military and Veterans' Affairs.

On motion of Senator Rainie, the rules of the Senate were so far suspended as to permit the introduction of a Senate bill.

#### **Introduction, First and Second Reading of Senate Bill**

SB 211, An Act relative to tax exemption for the blind.

Introduced by Senator Rainie.

Referred to the Committee on Ways and Means.

#### **House Message**

The House of Representatives has passed the following bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HB 49, An Act relating to committals to Laconia state school.

HB 249, An Act relative to the salary of the Hillsborough county solicitor.

HB 362, An Act relative to state aid to school districts.

HJR 59, Joint Resolution in favor of George Lindh and Odd Koppang.

HJR 61, Joint Resolution in favor of William L. Shearer, III, and Ralph W. Kelley.

**Introduction, First and Second Reading of House Bills**

HB 49 to the Committee on Public Health, Welfare and State Institutions.

HB 249 to the Committee on Ways and Means.

HB 362 to the Committee on Education.

HJR 59 to the Committee on Claims.

HJR 61 to the Committee on Claims.

**House Message (continued)**

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 42, An Act relative to defective delinquents at Laconia state school.

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

SB 60, An Act to determine the responsibility for the intentional or neglect contribution to the delinquency of a minor.

The House has voted to accede to the request for a Committee of Conference on the following entitled bill:

SB 161, An Act relative to contracts for projects for the fish and game department.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Pillsbury of Manchester, Bisbee of Derry and Fortier of Berlin.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 80, An Act relating to void mortgages.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Real Estate Mortgages.* Amend RSA 479 by adding at the end thereof the following new subdivision:

**Limitation on Undischarged Mortgages**

479:28. *Void After Fifty Years.* From and after January 1, 1960, all undischarged mortgages of real estate which shall have been on record for a period of more than fifty years and which attain such age subsequent to January 1, 1960, shall be void; provided however, that a mortgagee or assignee of such a mortgage may continue the same in its full legal effect and priority, for an additional period of fifty years from date of such action, by recording at any time within such fifty year period an affidavit signed by the mortgagor and the mortgagee or assignee stating that the mortgage is not discharged but is still in full force and effect. All such mortgages which shall have been on record for a period of more than fifty years on or before January 1, 1960, shall become void on January 1, 1960, unless prior to that date the mortgagee or the assignee of such a mortgage shall have recorded an affidavit signed by the mortgagor and the mortgagee or assignee stating that the mortgage is not discharged but is still in full force and effect, and upon the recording of such an affidavit such mortgage shall retain its full legal effect and priority for an additional period of fifty years from the date of such recording.

On motion of Senator Cleveland, the reading of the amendments were dispensed with.

On further motion of the same Senator, the Senate voted to non-concur in the adoption of the amendments to the above entitled bill, and asked that a Committee of Conference be appointed.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Cleveland and Paquette.

The House has voted to concur in the passage of the following Concurrent Resolution:

**Concurrent Resolution**

**Concerning the Status of Forces Treatise**

*Whereas* the members of our armed forces serving abroad in more than fifty countries, their civilian components and the dependents of each, are now subject in varying and confusing

respects to the criminal jurisdiction of those countries by reason of the NATO Status of Forces Treaty, the Administrative Agreement with Japan, and Executive Agreements with other nations, and

*Whereas* these agreements in some instances penalize our servicemen for foreign service by depriving them of many of the rights granted by our Constitution, which they are sworn to defend, and

*Whereas* it is difficult for a serviceman accused of transgression in a foreign country to receive a fair and impartial trial because of the varying and confusing systems of jurisprudence which make it difficult and sometimes impossible for him to receive the protection of all of the rights and guarantees our Constitution, and further because of the prejudice and animosity sometimes existing against our men, and

*Whereas* legislation has been introduced in both the Senate and the House of Representatives of the United States to direct the President to seek a modification of all such agreements, now therefore be it

*Resolved, by the Senate and House of Representatives in General Court convened:*

*That* we are deeply and gravely concerned by the possible deprivation of the basic constitutional rights of our servicemen by virtue of present arrangement and we urge the Congress of the United States to study this problem carefully and enact the legislation either now pending, or to be presented, to safeguard and secure the constitutional rights of our servicemen and their dependents while serving the United States in foreign countries, now therefore be it further

*Resolved*, that the Secretary of State be, and he hereby is, directed to send a duly certified copy of these resolutions to our senators and representatives in the United States Congress.

### Committee Reports

HB 142, An Act relative to taxation of real estate and personal property. Report of the Committee on Engrossed Bills (Senator Holmes): Under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass:

Amend RSA 72:23-c as inserted by section 4 of said bill by striking out the word "taxable" in the fifth line.

On motion of Senator Rainie, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills.

HB 56, An Act relative to the salary of the justice of the Manchester municipal court. Report of the Committee on Engrossed Bills (Senator Holmes) : Under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass :

Amend section 1 of said bill by striking out the same and inserting in place thereof the following :

1. *Manchester Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1, 182:1, 279:1, 296:1, 1957, 66:1, 1957, 83:1, 1957, 108:1, 1957, 125:1, 1957, 175:1 and by an act of 1957 relative to salary of Nashua justice, by striking out the words "In Manchester, four thousand six hundred dollars" and inserting in place thereof the words, In Manchester, five thousand one hundred dollars, so that said paragraph as amended shall read as follows :

I. Salaries of justices of municipal courts shall be paid from the treasury of the city or town in which such courts are located, may be paid quarterly or monthly, and shall be in the following sums per annum :

In Manchester, five thousand one hundred dollars ;

In Nashua, four thousand dollars ;

In Concord, three thousand five hundred dollars ;

In Portsmouth, three thousand dollars ;

In Dover, one thousand eight hundred dollars ;

In Laconia, three thousand dollars ;

In Keene, two thousand five hundred dollars ;

In Claremont, two thousand three hundred dollars ;

In Berlin, twenty-one hundred dollars ;

In Rochester, one thousand two hundred dollars ;

In Lebanon, one thousand five hundred dollars ;

In Newport, one thousand one hundred and fifty dollars ;

In Derry, nine hundred dollars ;

In Franklin, one thousand two hundred dollars ;

In Exeter, eight hundred dollars ;

In Somersworth, eight hundred dollars ;

In Littleton, eight hundred dollars ;



In Hampton, one thousand dollars;  
In Milford, six hundred dollars;  
In Haverhill, eight hundred dollars;  
In Salem, one thousand dollars.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

On further motion of the same Senator, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 2, An Act relative to the salary of the special justice of Portsmouth municipal court.

HB 300, An Act providing for a first aid room in the state house.

HB 379, An Act relative to preparing and distributing a peace officer's manual.

HB 390, An Act relative to appointment of a chief of police.

HB 398, An Act relative to members of interstate commissions, and retirement benefits therefor.

HB 432, An Act providing for salaries for members of the Somersworth city council.

SB 53, An Act relative to providing for an additional member of the State Board of Health.

SB 82, An Act relative to salaries of the justice and special justice of Nashua municipal court.

SB 128, An Act relative to investments of savings banks and loans by trust companies.

SB 145, An Act relative to the salaries of Strafford, Sullivan and Belknap county solicitors.

SB 73, An Act relative to optional allowances under the teachers' retirement system and to date of modification of integrated systems.

HB 179, An Act relative to exemptions under motor vehicle road toll law.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

### Personal Privilege

The President recognized Senator Cleveland on a matter of personal privilege:

“Just a brief remark, in connection with this business of Senate bills being introduced late in the session. One school of thought is that this unduly delays the session. I do not subscribe to this. I believe that a lot of the remarks of this type come from the members of the House. They are looking around for a scapegoat — and I do not propose that the Senate be classed as such. For example, just take a look at the House bills just introduced in here this morning. I feel certain that the House has delayed action on some of these bills.”

### Special Order of Business — 11:01 O’Clock

Senator Lamontagne called for the Special Order.

Question being on the adoption of report of the Committee on Resources, Recreation and Development on SB 187, An Act providing for the acquisition of Lake Shore Park in Gilford.

The President recognized Senator Rogers:

“Mr. President, I move that the Senate resolve itself into a Committee of the Whole to consider the report of the committee on the above entitled bill. The reason that I make this motion is due to the fact that I understand there is a good deal of question regarding certain phases of this bill. It seems to me that this is an important piece of legislation and should be discussed thoroughly before any further action is taken. I believe it should be discussed in a Committee of the Whole rather than more formal procedure.”

On a *viva voce* vote, the affirmative prevailed, the motion carried, and the Senate resolved itself into a Committee of the Whole.

(Senate in Committee of the Whole)

The Senate re-assembled in regular session.

Senator Karkavelas moved that the above entitled bill with accompanying report be laid upon the table until such time as the general budget, capital budget, wage increase to state employees, and highway increases have been voted on before presenting this bill before the Senate.

The above motion was seconded by Senator Rogers.

Question being on the motion to lay upon the table. On this question, Senator Adams demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, Holmes, Packard, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Paquette, Rainie, Caron, Provost, Daniel and Bergeron.

Fourteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the motion carried.

### **Special Order of Business — 11:02 O'Clock**

Senator Adams called for the Special Order.

Question being on the adoption of the amendment of the House of Representatives to SB 45, An Act providing for a deputy superintendent at Laconia state school.

On motion of Senator Adams, the Senate voted to concur in the adoption of the amendment offered by the House of Representatives.

### **Resolution**

On motion of Senator Holmes, the following resolution was unanimously adopted:

### **Resolution**

*Whereas*, through the thoughtful and gracious invitation of our fellow Senators, Lamontagne and O'Brien, of the first and second Districts respectively, and

*Whereas*, through the cordial hospitality and generous endeavors of the Recreational Department, The Groveton Paper Company, The Brown Company, and the Officers and Personnel of Camp Dodge, we the members and attaches of the Honorable Senate were privileged to enjoy a very instructive and interesting visit to points of interest in the glorious North Country, now therefore be it

*Resolved*, that we express to our gracious hosts, Senators Lamontagne and O'Brien and their many aides, our sincere thanks and appreciation for a day of delightful enjoyment, and be it further

*Resolved*, that the Clerk be instructed to send a copy of these resolutions to all groups participating in making this visit possible.

The President recognized Senator Humphreys:

“Mr. President, several days ago, SB 141, An Act authorizing rehabilitation work in redevelopment projects, was laid upon the table pending an opinion from our Senate Counsel. We have had that opinion, which was printed in the Journal, and I move that we take SB 141 from the table for consideration. The Senate Counsel recommended an amendment to the bill, after looking into the matter very carefully and extensively, and made certain recommendations that the bill would only need that amendment (a very slight amendment) to put the bill in shape to put our New Hampshire law in accord with the federal law. It is my intention to take the bill from the table to propose the amendment recommended by the Senate Counsel.”

On the motion by Senator Humphreys to take the above entitled bill from the table, a division was requested by Senator Lamontagne.

Nine Senators having voted in the affirmative, and ten Senators having voted in the negative, the negative prevailed, and the motion was lost.

On motion of Senator Caron, the Senate went into afternoon session.

On motion of Senator Humphreys, the Senate adjourned at 1:30 o'clock.

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TUESDAY, JULY 2, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator Rogers requested leave of absence for the day on account of important business. This request was granted by the President.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guests of Senator Adams, Mr. William F. Barrett, former Moderator of Ward 6, Manchester, and Mr. John D. Barrett of Manchester.

As the guest of Senator Packard, Mr. Franklin Van Fleet of Penacook.

As the guest of Senator Bergeron, Mr. Albert Nadeau of Somersworth.

As the guest of Senator Ferguson, Reverend Bruce Berry, Pastor of the Chichester Methodist Church.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 446, An Act making temporary appropriation for the expenses of the state of New Hampshire.

The above entitled bill was read a first and second time.

On motion of Senator Hodgdon, the rules of the Senate were so far suspended as to dispense with committee reference and the bill was placed on its third reading and final passage at the present time.

### **Third Reading of Bill**

The following entitled bill was read a third time, and passed at the present time:

HB 446, An Act making temporary appropriation for the expenses of the state of New Hampshire.

### **House Message (continued)**

The House has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 382, An Act relative to registers to be kept of guests at camps.

HB 422, An Act to amend the charter of the New Hampshire. Antiquarian Society and Keene Academy.

HB 429, An Act relative to election campaign receipts and expenditures.

HB 438, An Act relating to the Franklin police force.

HB 445, An Act legalizing a certain budget hearing of the

Carroll County Convention and budget meetings held pursuant thereto.

HB 382 to the Committee on Ways and Means.

HB 422 to the Committee on Ways and Means.

HB 429 to the Committee on Judiciary.

HB 438 to the Committee on Judiciary.

HB 445 to the Committee on Ways and Means,

### House Message (continued)

The House refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 117, An Act relative to cemetery trust funds.

The House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 142, An Act relative to taxation of real estate and personal property.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 109, An Act relative to hearings before the personnel commission.

SB 110, An Act relative to reports of fire insurance companies to the board of fire control.

SB 154, An Act relative to lumber cut reports.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 123, An Act prohibiting the trapping of beaver in the county of Coos and certain towns in Grafton county.

Amend the title of said bill by striking out said title and inserting in place thereof the following: An Act prohibiting open season for taking beaver in the county of Coos and certain towns in Grafton county.

Amend the bill by striking out section 1 and inserting in place thereof the following: 1. *Beaver*. Amend RSA 210:5 by striking out said section and inserting in place thereof the

following: 210:5. *Open Season; Limitation.* In any county, except the county of Coos and the towns of Littleton, Monroe, Lyman, Bath, Lisbon, Landaff, Easton, Franconia and Bethlehem in Grafton county, during the period from January first to March thirty-first, the director, with the approval of the commission, may declare an open season on beaver, by the use of traps only, if he deems that beaver are detrimental to fishing or hunting or to lumber operations, or if he receives written complaint from a water company or a land owner that beaver are polluting a water supply or doing actual and substantial damage to property. He may make rules and regulations as he deems necessary as to length of season and bag limit. There shall be no open season for taking beaver in the county of Coos and the towns of Littleton, Monroe, Lyman, Bath, Lisbon, Landaff, Easton, Franconia, and Bethlehem in Grafton county.

Amend the bill by striking out section 2 and inserting in place thereof the following: 2. *Coos County and Certain Towns in Grafton County.* Amend RSA 210 by inserting after section 9 the following new section: 210:9-a. *Fish and Game Director.* In the county of Coos and the towns of Littleton, Monroe, Lyman, Bath, Lisbon, Landaff, Easton, Franconia and Bethlehem in Grafton county, if the director finds that beaver are doing actual and substantial damage to property he shall take such beaver or may remove them to another location outside said counties. In case the beaver are killed under the provisions hereof the director shall sell the hides of such animals and the money received from such sale shall be credited to the fish and game fund.

On motion of Senator Lamontagne, the reading of the amendment was dispensed with.

On motion of the same Senator, the Senate voted to concur.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires.

Amend RSA 154:32 as inserted by section 1 of the bill by striking out the words "if they own real estate within the state" in the nineteenth and twentieth lines as printed in the Senate Journal of June 13, 1957, so that said section as amended shall read as follows:

154:32. *Organization.* Upon receipt of such a petition, the state fire marshal shall call the first or organization meeting of the system by giving written notice to the chief of each fire department in the system and may invite private fire departments within the designated area to join in the meeting by giving similar notice to them. Each fire department shall send one delegate to the organization and subsequent meetings and shall be entitled to one vote in all proceedings. The delegate shall be the chief of each fire department or such alternate as he may designate. At the organization meeting, the members of the system shall adopt articles of association and by-laws and regulations for the future government and operation of the system which shall be effective upon submission to and approval by the attorney general, who shall cause the same to be recorded by the secretary of state. The system shall be deemed to have been formally established upon such recording. The organization meeting shall also elect a board of directors consisting of such number as they may determine. Delegates and directors need not be residents. The board of directors shall be the governing body of the system and shall serve for terms of one year and until their successors are elected and qualify. The directors shall choose from their number the officers of the system, who shall have such duties and powers as the by-laws provide. Within the limits of available funds, the directors may employ and fix the compensation of agents and other necessary personnel, who shall serve at their pleasure and have and exercise such powers and authority as they may delegate to them.

Amend RSA 154:36 as inserted by section 1 of the bill by striking out the words "provided that all the municipalities within the county belong to the system," so that said section as amended shall read as follows:

154:36. *Appropriations.* Municipalities belonging to such a system may raise and appropriate money for the purposes of the system. Counties in which a system is established



may raise and appropriate money for the purposes of the system.

On motion of Senator English, the above entitled bill with amendments was laid upon the table and made a Special Order for Wednesday, July 3, at 11:01 o'clock.

### **Committee Reports**

HB 440, An Act legalizing action taken at the meeting of the Reed's Ferry Village Water and Sewer District held March 25, 1957. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Holmes:

"Mr. President, this bill has to do with Reed's Ferry. The Representatives of this town was there at the hearing to explain that at the meeting they had one problem — they had left one day off the time limit. It is a legalizing bill. It was not printed because it was so routine."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 204, An Act relative to payment for claims for damages due to activities of the department of public works and highways. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Cleveland:

"Mr. President, this is a bill that was put in at the suggestion of the highway department. Under this bill, the highway department, subject to the approval of the Governor and Council, can take care of claims for damages due to activities of the department of public works and highways up to \$150. As it is now, if the highway department in the exercise of its duties does damage to anyone's property, they have to wait until the next session of the Legislature before that damage can be paid. It was felt that probably some small claims with merit are never made. There was no opposition. This bill limits the payment to \$150."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Reports of Committee on Engrossed Bills**

The Committee on Engrossed Bills have examined and

found correctly engrossed the following entitled House and Senate bills:

HB 142, An Act relative to taxation of real estate and personal property.

HB 374, An Act relative to interest from date of writ in certain civil actions.

SB 42, An Act relative to defective delinquents at Laconia State School.

SB 43, An Act relative to limitation on committals to the Laconia State School.

HJR 32, Joint Resolution relative to Hampton Beach Parking areas.

HB 178, An Act relative to reimbursement for forest fire expenses.

HB 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of said projects.

SB 60, An Act to determine the responsibility for the intentional or negligent contribution to the delinquency of a minor.

SB 91, An Act relative to interstate compact on mental health.

SB 118, An Act legalizing the organization meeting for the cooperative school district in Hampton, Hampton Falls, North Hampton and Seabrook.

SB 142, An Act relative to the charter of the city of Laconia to clarify a section relating to schools.

SB 150, An Act relative to factors' liens.

SB 170, An Act relative to dog registration tags.

SB 183, An Act relative to duties of the legal counsel to the Senate.

SB 184, An Act relating to extension and reamortization of mortgage loans to Veterans.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

**Bill Recalled from the Governor**

Senator Merrill:

“Mr. President, HB 300, which would provide for a first aid room in the state house as a permanent fixture was referred to the Finance Committee, after having been considered by the Public Health, Welfare and State Institutions Committee, and we understood that no appropriation was needed. However, in checking with the Health Department after it had been passed, it was found it was not possible to provide this for a permanent first aid room. It was felt wise to recall the bill and try to work this out.”

On motion of Senator Merrill, the following resolution was adopted:

*Resolved*, that His Excellency, the Governor, be requested to return to the Senate for further consideration, HB 300, An Act to provide for a first aid room in the state house.

On motion of the same Senator, the rules were suspended to allow a reconsideration of the vote on the above entitled bill.

On motion of the same Senator, the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same Senator, the Senate voted to reconsider the vote whereby the bill was ordered to a third reading.

On motion of the same Senator, the above entitled bill was recommitted to the Committee on Finance.

**Special Order of Business — 11:01 O’Clock**

Senator Lamontagne called for the Special Order.

Question being on consideration and action on SJR 7, Joint Resolution providing for an investigation of gasoline prices in the State of New Hampshire.

Senator Lamontagne:

“Mr. President, I would refer to my remarks which I have presented to the Senate before and which appear on Page 843 and 844 of the Journal. I would like to include, along with those remarks, that about three weeks ago, and I am now talking about the Berlin area, the price of gasoline dropped .2. A few days later, it dropped .2 again. Certainly, if this resolution is adopted by the Senate and also by the House, it

would be of great benefit to the people of our state. The purpose of this resolution is to introduce legislation. I am sure if this committee is appointed of three members of the House, I am going to propose a slight amendment to the resolution which will make it three members of the Senate and one member from the governor's office. The reason that I am asking the governor to appoint a member is because of the work that the governor and the attorney general have put into this investigation of gasoline prices. You will notice that the resolution also provides that the Commissioner of Motor Vehicles is included. I personally believe that he could be of great help because his department would have a lot of information to help the committee. I know very well if the Senate will go along with this resolution they will be able to come out with a satisfactory report. I was hoping that we would be able to introduce some type of legislation at this session, but I realize that the time is getting short. If possible, I would like to see some action at this session. If not, at the next session. I wish to urge the Senate to support this resolution."

Senator Cleveland inquired of Senator Packard:

"If my memory is correct, two years ago we had a Senate Committee to investigate this same problem. I would like to ask you if you were not a member of this committee, and what could this new investigation do that the other did not do?"

Senator Packard:

"We did nothing. As chairman of the committee, I consulted with the attorney general shortly after we went out of session and he told me that we had no subpoena power and without subpoena power we could accomplish nothing. But now, with all these features that the other one did not have, this is a little different case. At that time, the committee was more interested in the small dealer rather than in the operations of major oil companies. I would like to point out one thing. Under no circumstances can you regulate prices because you are in violation of federal anti-trust laws."

Senator Cleveland inquired of Senator Lamontagne:

"Why did you leave out subpoena powers in this investigation?"

Senator Lamontagne:

"I would like to say this, I have checked into the Vermont

investigation and they had subpoena power, but with subpoena power they could not go out of the state. If we had subpoena power here, we would be faced with the same thing. That is why I have proposed that we come out with legislation. We will have to hold a hearing, and at that time, we will be able to bring the major oil companies out into the open and they will answer some of these questions."

Senator Packard:

"I did not intend to speak on this because I have been involved in this problem for probably 20 years. I would venture to say that I probably know more than many of you about this problem. First, I want to point out that this is not sponsored by the gasoline dealers. This is sponsored by the Legislature. Second, I understand that the secretary has a bill to present to the governor which I believe will cure a lot of evils, if they are evils, that are occurring between the major oil companies and the small dealers. A study of this particular bill, or type of legislation, and if done quickly, it might be possible to bring the bill in with the backing of the committee in making recommendations. That is one thing that this committee might be able to accomplish."

Senator Holmes offered the following amendment:

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a thorough and impartial investigation be made of the whole subject of gasoline and fuel oil prices of the major oil suppliers including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state.

That a joint committee to consist of three members of the house of representatives, to be appointed by the speaker of the house, two members of the senate to be appointed by the president of the senate, and one member to be appointed by the governor to study, investigate, and examine into the matter of gasoline and fuel oil prices of the major oil companies, including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state; that said committee consult with the attorney general and the commissioner of motor vehicles for such information and assistance as said depart-

ments may have or render for the purposes of the committee, and further, while members of said committee shall serve without pay, the sum of not more than one thousand dollars shall be made available from funds not otherwise appropriated to pay mileage expenses of the members of the committee in securing the information required hereunder and in preparing a report of its findings and recommendations to this session of the legislature or to the session of 1959. The mileage rate of pay shall be the same as for members of the legislature as provided in RSA 14:15 as amended.

Amend the title of said joint resolution by striking out the same and inserting in place thereof the following: Joint Resolution to provide for an investigation of gasoline and fuel oil prices in the State of New Hampshire.

Senator Holmes spoke in favor of the adoption of the amendment.

Senator Bennett spoke in opposition to the amendment:

"It seems to me that the expenditure of \$1,000 for this particular purpose is not going to accomplish a single thing. The attorney general's office has told me that they are running into a stone wall. Other states have found the same thing. This is going to require some federal legislation and action in conjunction with State action. To have a committee go out, no matter how good they are, they will only spend the \$1,000 and will come up with nothing constructive on this question."

(Discussion ensued)

Senator Adams:

"Mr. President, I would just like to say this. I do not want to get into this hassle about the gasoline resolution, but there is something to look into. Two weeks ago, one of the dealers in my District called me in and showed me recent bills from his distributor where he had been forced to pay 11½c per gallon because he refused to keep a posted price, requested by his distributor. This is a matter of fact and the attorney general has the case in his office now. In view of that, I will support the resolution and the amendment. I do not agree with the remarks of Senator Bennett. I sincerely believe that there are factors that would bear looking into and something can be done about it at this session."

Senator Rainie:

"My observation of the fate of small dealers in gasoline — I think it shows a very high degree of failure and that failure is quite largely brought about by the treatment of the major companies. It is, however, a very different story to talk about investigating these large companies. I say to you that we are wasting our time. Nothing can be done about it on this basis. I doubt very much, since the attorney general's office has passed down the information that they are helpless. As they have stated too, this is an interstate problem and must be done through a federal agency. When you talk about investigating the gasoline situation in New Hampshire with no subpoena power, we are just wasting our time. I am against the resolution and against the amendment."

Senator Holmes:

"I wish to speak on the amendment. If the resolution proves to be impractical, I would still like to ask the Senate to include the words fuel oil. I feel that they are very important to any citizen living in New Hampshire."

Senator Cleveland:

"Mr. President, I don't particularly wish to oppose the joint resolution, but as drafted, I certainly do have to oppose it. I disagree with Senator Lamontagne that the subpoena power would be meaningless. It is true that we cannot interfere with interstate commerce, but we would have their distributors in this State. I believe in subpoena power being put in. To pass this legislation without subpoena power is senseless. This is a problem. The subpoena power ought to be in there. It is perfectly true that you cannot go down to New York and subpoena the head one of these large companies, but we do have their representative here. As this resolution is drafted now, I cannot support it. If we were to give this committee the subpoena power, it would seem that there was an honest effort being made in this field."

Senator Daniel:

"Mr. President, I am in favor of the amendment offered by Senator Holmes. I believe that people in this State are paying too much for fuel oil."

Senator Rainie moved the previous question. Seconded by Senator Caron.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the adoption of the amendment offered by Senator Holmes.

On a *viva voce* vote, the amendment was adopted.

Senator Lamontagne offered the following amendment:

Amend said joint resolution by striking out the word "two" in line 6 and inserting in place thereof the word, three, so that said joint resolution as amended shall read as follows:

That a thorough and impartial investigation be made of the whole subject of gasoline and fuel oil prices of the major oil company suppliers including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state.

That a joint committee to consist of three members of the house of representatives, to be appointed by the speaker of the house, three members of the senate to be appointed by the president of the senate, and one member to be appointed by the governor to study, investigate, and examine into the matter of gasoline and fuel oil prices of the major oil companies, including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state; that said committee consult with the attorney general and the commissioner of motor vehicles for such information and assistance as said departments may have or render for the purposes of the committee, and further, while members of said committee shall serve without pay, the sum of not more than one thousand dollars shall be made available from funds not otherwise appropriated to pay mileage expenses of the members of the committee in securing the information hereunder and in preparing a report of its findings and recommendations to this session of the legislature or to the session of 1959. The mileage rate of pay shall be the same as for members of the legislature as provided in RSA 14:15 as amended.

On a *viva voce* vote, the amendment was adopted.

Senator Cleveland offered the following amendment:

Amend said joint resolution by adding at the end thereof the words, the committee by its chairman or its attorney shall



have the power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it and to compel by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and paper of any kind whatsoever, so that said joint resolution as amended shall read as follows:

That a thorough and impartial investigation be made of the whole subject of gasoline and fuel oil prices of the major oil company suppliers including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state.

That a joint committee to consist of three members of the house of representatives, to be appointed by the speaker of the house, three members of the senate to be appointed by the president of the senate, and one member to be appointed by the governor to study, investigate, and examine into the matter of gasoline and fuel oil prices of the major oil companies, including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state; that said committee consult with the attorney general and the commissioner of motor vehicles for such information and assistance as said departments may have or render for the purposes of the committee, and further, while members of said committee shall serve without pay, the sum of not more than one thousand dollars shall be made available from funds not otherwise appropriated to pay mileage expenses of the members of the committee in securing the information required hereunder and in preparing a report of its findings and recommendations to this session of the legislature or to the session of 1959. The mileage rate of pay shall be the same for members of the legislature as provided in RSA 14:15 as amended. The committee by its chairman or its attorney shall have the power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it and to compel by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and paper of any kind whatsoever.

Question being on the adoption of the amendment offered by Senator Cleveland.

(Discussion ensued)

Senators DeLude and Bennett spoke in support of the amendment.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Sixteen Senators having voted in the affirmative, the Chair declared that the vote was manifestly in the affirmative, and the amendment was adopted.

Senator Caron requested a two minute recess to enable her to prepare an amendment to be offered, increasing the amount of appropriation to \$5,000.

The Chair declared a two minute recess.

(Recess)

The Senate re-assembled.

Senator Caron withdrew her motion.

Senator Bennett offered the following amendment:

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a thorough and impartial investigation be made of the whole subject of gasoline and fuel oil prices of the major oil company suppliers, including the prices of gasoline and fuel oil, the policy by which the prices are established and the price differential in various parts of the state.

That the attorney general or any duly authorized member of his staff is hereby authorized to study, investigate and examine into the matter of gasoline and fuel oil prices of the major oil companies, including the prices of gasoline and fuel oil, the policy by which the prices are established and the price differential in the various parts of the state, and the sum of five thousand dollars shall be made available from funds not otherwise appropriated for the purpose of this investigation. The attorney general shall report his findings and recommendations to this session of the legislature or to the session of 1959.

For the purposes of this resolution the attorney general or any duly authorized member of his staff shall have the power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by him and to compel by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and paper of any kind whatsoever.

Senator Bennett moved that this amendment with the accompanying resolution be laid upon the table and made a Special Order of Business for tomorrow morning at 11:02 o'clock.

Senator Lamontagne spoke against the motion, stating that he did not wish to waste any more of the Senate's time and that the Senate should take action on this matter today.

Senator Packard and Senator Adams spoke in opposition to the motion.

Senator Bennett stated that he would be willing to withdraw that part of his motion relative to the Special Order of Business and vote on the matter at the present time.

Senator Bennett withdrew his motion for Special Order of Business and offered only the amendment, above.

Question being on the adoption of the amendment offered by Senator Bennett.

On this motion, Senator Bennett requested a division.

Senator Bennett withdrew his request for a division, and demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hodgdon, Bennett, Cleveland, Rainie and Bergeron.

The following named Senators voted in the negative. Lamontagne, O'Brien, Horner, Rhodes, English, Holmes, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams, Merrill and Humphreys.

Five Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Humphreys offered the following amendment:

Amend said joint resolution by striking out all after the word "committee" in line 13 and striking out the comma after the word "committee" in line 13 and inserting in place thereof a period, so that said joint resolution as amended shall read as follows:

That a thorough and impartial investigation be made of the whole subject of gasoline and fuel oil prices of the major oil company suppliers including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state.

That a joint committee to consist of three members of the house of representatives, to be appointed by the speaker of the house, three members of the senate, to be appointed by the president of the senate, and one member to be appointed by the governor to study, investigate, and examine into the matter of gasoline and fuel oil prices of the major oil companies, including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state; that said committee consult with the attorney general and the commissioner of motor vehicles for such information and assistance as said departments may have or render for the purposes of the committee.

(Discussion ensued)

Question being on the adoption of the amendment offered by Senator Humphreys.

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

Senator Cleveland offered an amendment.

Senator Cleveland withdrew the amendment.

Senator Caron offered the following amendment:

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a thorough and impartial investigation be made of the whole subject of gasoline and fuel oil prices of the major oil company suppliers including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state.

That a joint committee to consist of three members of the house of representatives, to be appointed by the speaker of the house, three members of the senate to be appointed by the president of the senate, and one member to be appointed by the governor to study, investigate, and examine into the matter of gasoline and fuel oil prices of the major oil companies, including the prices of gasoline and fuel oil, the policy by which the prices are established, and the price differential in various parts of the state; that said committee consult with the attorney general and the commissioner of motor vehicles for such information and assistance as said departments may have or render for the purposes of the com-

mittee, and further, while members of said committee shall serve without pay, the sum of not more than five thousand dollars shall be made available from funds not otherwise appropriated for the general and necessary expenses of the committee in securing the information required hereunder and in preparing a report of its findings and recommendations to this session of the legislature or to the session of 1959. The committee by its chairman or its attorney shall have the power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it and to compel by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and paper of any kind whatsoever.

Question being on the adoption of the amendment offered by Senator Caron.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Eleven Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Question being, Shall the joint resolution as amended be ordered to a third reading?

Senator Rainie moved that the joint resolution be laid upon the table and made a Special Order of Business for tomorrow at 11:02 o'clock.

Senator Adams spoke in opposition to the motion.

(Discussion ensued)

Senator Lamontagne moved the previous question.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Rainie for Special Order for tomorrow at 11:01 o'clock.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator Humphreys moved that the above matter be laid upon the table.

Senator Rainie demanded a roll call on the above motion.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hodgdon, Bennett, Rainie, Provost, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Cleveland, DeLude, Rhodes, English, Holmes, Paquette, Packard, Caron, Daniel, Bergeron, Karkavelas, and Adams.

Six Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the negative prevailed, and the motion was lost.

On a *viva voce* vote, the joint resolution as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third reading of Bills and Joint Resolution**

The following bills and joint resolution were read a third time, and passed:

SB 204, An Act relative to payment for claims for damages due to activities of the department of public works and highways.

HB 440, An Act legalizing action taken at the meeting of the Reed's Ferry Village Water and Sewer District held March 25, 1957.

SJR 7, Joint Resolution providing for an investigation of gasoline prices in the State of New Hampshire.

Senator Humphreys wished to be recorded as having voted against the passage of SJR 7.

On motion of Senator Merrill, the Senate adjourned at 1:12 o'clock.

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WEDNESDAY, JULY 3, 1957

The Senate met at 11:00 o'clock.

#### **Leave of Absence**

Senator Daniel requested leave of absence for the day on account of illness in the family. Granted by the Chair.

#### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator Caron, Mr. Donald T. Buck of Manchester, who graduated from the University of New Hampshire in 1955, has completed a tour of duty with the Army in France and Germany, and is now honorably discharged. He is the grandson of our Sergeant-at-Arms.

As the guest of Senator Provost, Alderman Ernest H. Tremblay of Ward 14, Manchester.

As the guest of Senator Packard, former Senator Charles Daniel of Manchester.

### **Resolution**

Senator Karkavelas offered the following resolution; and spoke in favor of its adoption.

*Whereas*, William A. Jackson of Nashua, New Hampshire, was first appointed as a member of the state liquor commission in 1937; and

*Whereas*, he has for twenty years given the state of New Hampshire devoted service as such a member, now therefore be it

*Resolved* by the Senate of 1957.

That we extend to Mr. Jackson the thanks of the State for his untiring efforts in behalf of the state and in making the department of which he was the head an outstanding one in achievement, not only in this state, but throughout the nation;

That we wish for Mr. Jackson upon his retirement from state service the happiness that comes to one who has the satisfaction of knowing that his job has been well done; and

That the Clerk of the Senate be instructed to send a copy of this resolution to Mr. William A. Jackson.

Senator Holmes also spoke in favor.

On a *viva voce* vote, the resolution was unanimously adopted.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 133, An Act to provide for the registration of private nursery schools and kindergartens.

HB 442, An Act relative to audits of the accounts of the city of Dover.

**Introduction, First and Second Reading of House Bills**

HB 133 to the Committee on Education.

HB 442 to the Committee on Ways and Means.

**House Message (continued)**

The House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 56, An Act relative to the salary of the justice of the Manchester municipal court.

The House has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bill:

SB 80, An Act relating to the expiration of void mortgages.

The Speaker has appointed as members of such committee on the part of the House, Mrs. Frizzell of Charlestown, and Messrs. Bennett of Keene and Haley of Keene.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 200, An Act relating to approved schools of hair-dressing.

The House has voted to concur with the Honorable Senate in the passage of the following joint resolution, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SJR 6, Joint Resolution in favor of Charles F. Macey.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the governor and council are hereby authorized and empowered to award compensation to the said Charles F. Macey in the sum of thirty dollars per week for a further period of one hundred weeks beginning as of June 25, 1957. The governor is hereby authorized to draw his warrant for the payment of such sum or sums as may be awarded hereunder out of any money in the treasury not otherwise appropriated. The acceptance of this award shall be in full and final settlement of the claim of the said Charles F. Macey for the accident referred to.



On motion of Senator Rainie, the reading of the amendment was dispensed with.

On further motion of the same Senator, the joint resolution with amendment was laid upon the table and made a Special Order of Business for next Tuesday, July 9, at 11:01 o'clock.

### Committee Reports

SB 186, An Act relative to the acceptance of federal aid for preservation of roadside scenery on the interstate highway system. Report of the Committee on Public Works (Senator Bennett) : Ought to pass.

Senator Rogers:

"Mr. President, this bill authorizes the Governor and Council to take whatever steps may be necessary to accept any federal funds that may be made available to the State in connection with the interstate highway system for the preservation of natural scenery. Now, there is under consideration in Congress, and I believe already approved by a sub committee of the Public Works Committee in the United States Senate in Washington, a provision that some slight additional benefit will be available to the State on those sections of the interstate system which the State may decide to restrict as to signs and advertising. Whether or not this comes under the provisions passed earlier in the session, I do not know. It would not be an outright aid. As it stands, I understand that the sub committee in Washington has voted to add three-quarters of one per cent of the total costs in federal funds on those sections of the highway which the State choses to restrict as to advertising."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 198, An Act relative to town highways. Report of the Committee on Public Works (Senator Bennett) : Ought to pass with amendment.

Amend the title of said bill by adding at the end thereof the words, and to provide for disposal of certain records of the public works department, so that said title as amended shall read as follows:

An Act relative to repair of town highways and to pro-

vide for disposal of certain records of the public works department.

Amend section 1 of said bill by adding after the word "amount" in line 6 the words, of town funds, so that said section as amended shall read as follows:

1. *Repair of Town Highways.* Amend RSA 247 by inserting after section 16 the following new section: 247:16-a. *Limitation.* Notwithstanding any other provisions of this subdivision no town receiving aid under RSA 241:11 as amended by 1955, 311:3, shall be chargeable for repair of town highways as determined by the county commissioners, nor shall any judgment be entered therefor, in an amount which shall exceed one fortieth of the amount of town funds appropriated by said town at the preceding annual meeting for maintenance of all town highways therein. Any cost of repairs as ordered by the county commissioners hereunder in excess of the amounts chargeable to the town shall be a charge on the funds of the county wherein said town is located.

Further amend said bill by adding a new section:

2. *Disposal of Papers.* Amend RSA 229:17 by striking out said section and inserting in place thereof the following: 229:17. *Disposal of Papers.* The commissioner may destroy any labor returns and bills against the state highway department which have been on file in his office for more than six years and which, in his opinion, are no longer of any value to the state. The commissioner may also destroy any forms, letters, papers, checks, reports and the like of the state highway department which have been photostated, microfilmed, or reproduced by any similar methods. Said reproduced forms, letters, checks, reports and the like shall be admissible in evidence in any court of this state in the same manner as the original forms, letters, papers, reports, checks and the like.

Further amend said bill by renumbering section 2 to read section 3.

Senator Rogers:

"Mr. President, the bill as originally introduced is in the way of protection for the small towns in the State who now benefit from the so-called Duncan aid to town highways — to limit the amount the County Commissioners may assess

against the town for any highway in bad repair. The present law allows the County Commissioners unlimited authority in the amount to be assessed. This limits the amount that the Commissioners may assess to one fortieth of the amount of town funds appropriated for all town highway purposes. Two and one-half per cent of the total amount of the town budget for highway costs and repairs. The amendment which was added on, is rather unimportant. At the request of the Highway Department, that they be authorized to dispose of old records which they have microfilmed. Certain records to be kept for six years and other records that have been microfilmed may be destroyed."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 203, An Act relative to the appeal of Frederick C. Pearson, Jr. and Avis G. Pearson from taking an award by State of New Hampshire. Report of the Committee on Transportation (Senator DeLude) : Ought to pass.

Senator Packard :

"Mr. President, this bill allows this gentleman to make an appeal to the courts for what he believes is an unfair land damage award. This is necessary because when the award was made, the gentleman was in Florida and did not receive the notification. Consequently, his appeal was not received before the deadline for receiving same. There is no money involved. That is all this bill does."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 373, An Act to provide for a farm registration for motor trucks and semi-trailers when used exclusively for farm purposes. Report of the Committee on Transportation (Senator DeLude) : Ought to pass.

Senator Packard :

"Mr. President, this bill is actually not too important. It was introduced at the request of a few farmers and the Farm Bureau. This would apply only to equipment used exclusively for farm work. By the testimony presented, it was felt that this bill would be of benefit to a few of these hard-pressed farmers."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock,

SB 178, An Act limiting the jurisdiction of the public utilities commission over railroads and buses. Report of the Committee on Transportation (Senator DeLude): Inexpedient to legislate.

Senator Packard:

"Mr. President, this is going to be one bill on which I don't know what to say. I know that Senator Cleveland is going to get up and make a very eloquent speech. At the hearing, there was just one person present, and that was the sponsor of this bill. In a more serious vein, the committee did give it some serious thought, but believed that this type of legislation was completely unnecessary. I hesitate to say this, but it is probably somewhat of a retaliatory bill. One was killed and this comes back in again. I think that the Senator from the 21st District can go into a little more detail as to why the authority should be retained by the Public Utilities Commission."

Senator Karkavelas:

"Mr. President, I wish to state that the PUC is against this bill. This Commission, they told me, was in operation over one hundred years ago and is still in power today. They said there was no need for the enactment of this bill, as far as the Interstate Commerce Commission is concerned. They have friendly understanding. If there is an action which involves an accident, say in Massachusetts, they are called in. They collaborate together on their rates, etc. They have intrastate rates and they get together. In other words, they cannot do a good job without collaborating with the Interstate Commerce Commission."

Senator Cleveland:

"Mr. President, I would ask that my remarks be made a part of the record and I move that the words, ought to pass, be substituted for the words, inexpedient to legislate, and I will speak on that motion. Now, I hope that the members of this Senate will pay me the courtesy of listening to my remarks and thinking about them because I think we have had a completely and unalterably classic example of bureaucracy at its worst. It has been said so many times that it does not

bear repeating — when you grant power to govern, the people to whom you have given the power never want to let it go. Why are we opposed to federal programs? Because we have found out that once these programs get started, they are never going to let up. They are going to create reasons for their existence. It shocks me to find such a good example of this here in New Hampshire. The PUC did not come over to the hearing and tell me what they thought of this bill. They want to hold on to this power, even though it is unnecessary. The PUC authority over rates — for example — this is simply a federal agency job. Why should we pay our taxpayers' hard-earned dollars to duplicate what the federal agency is already doing. Sure — they want to hang onto the authority. They go on trips to Washington — some good trips. They investigate accidents — for that matter, in the investigation of accidents they will retain that jurisdiction. Senator Packard has indicated that this is a retaliatory bill. In a sense, it is, but I actually introduced this bill after the successful argument against an earlier bill that I introduced. I said that the PUC should regulate the intrastate trucking business in this state. The arguments against that were: (1) It would cost more money. Here is a chance to save some money and they have consistently turned it down. (2) The Interstate Commerce Commission is already regulating those — why should we do it? That was a good argument against regulating trucks. This is a good argument to stop regulating the railroad. They are already regulated by the Interstate Commerce Commission. Why should we waste money to put regulation upon regulation? (3) Arguments against the bill relative to trucks was the fact that it was unfair to the trucking industry because they would have to pay for it. They would have to pay their pro rata share. This was unfair to the trucking industry. If the recommendation was unfair for trucks, why is it not unfair for the railroad? This bill, in its simplest form, does this! It says that 100 years ago, we had to regulate these railroads because 100 years ago railroads were the only means of transportation in the state. It was then a matter of great public interest and demand that these railroads be regulated, and they had to be state regulated. It was a matter of great importance that they be regulated. Now, the demands have changed and I wish to remind you of the arguments used against the regulation of trucks. Senator Lamontagne said,

and he was correct, that most of the freight in this state is transported by trucks. Industry in this state depends on trucks. We are spending millions of dollars on roads. The trucking industry is now where the railroad industry was 75 years ago. We do not regulate trucks because they are being regulated and taxed from Washington. What good does it do to regulate this archaic means of transportation. It is no longer necessary to regulate the railroads. It was necessary one hundred years ago, but no more. Of course, the PUC is against this bill because it takes away some of their power. If you take away their power, it takes away their excuse of being overworked. This is a chance to save some money because if we pass this legislation they can do away with one or two jobs over there and that it is a step in the right direction. Here is a wonderful chance to at least chop off a couple of jobs and get rid of some of those people who think they work so hard, and I am inclined to think they do not work so hard over there. I urge the members of the Senate not to turn their backs on this legislation. I hope that they will support my motion to substitute. I don't know how the Senate can turn their backs on this legislation."

Senator Lamontagne:

"I am very, very pleased this morning to listen to the remarks of Senator Cleveland and to see that he agrees with me on the remarks that I have made about trucks just a few months ago. Now, about his remarks about the PUC. I don't quite agree with that. Even if this bill passes, the PUC will still need all the employees there. The public is giving a lot of work to the PUC. With all this work, they would have enough work to keep the whole staff busy, rather than the remarks made by Senator Cleveland. I would like to point out from remarks of Senator Cleveland about the bill that he has introduced, I would like to say that the railroad is now more than 75 years behind and is still going to be a lot worse. The railroads are going to be bygones and also the buses. Possibly in another 25 or 30 years, the trucks will be faced with the same problem as the railroads and buses are being faced with today. I will go along with Senator Cleveland's motion."

Senator Bennett inquired of Senator Cleveland:

"First, I want to compliment you on your eloquence in connection with this bill, but I have a question — just what will you remove from the jurisdiction of the PUC? What does your bill take away? You have left the safety factor."

Senator Cleveland:

"I am taking away their power to fix rates and the control of franchise areas."

Senator Bennett:

"Is it true that the PUC would hold a public hearing and have some control over the intrastate rates, such as Manchester to Berlin. As the law now stands, would they have to come before the PUC?"

Senator Cleveland replied in the affirmative.

Senator Bennett:

"Under your bill, they may raise or lower rates as they see fit?"

Senator Cleveland:

"Yes, strictly intrastate rates. There is no control by the PUC. It would be the same with the buses and railroads."

Senator Bennett:

"You stated that there would be a saving of one job and perhaps two. It has occurred to me that most of the jobs there would still be retained under your bill. I cannot quite see where you are going to save money, but thank you for the explanation."

Senator Cleveland:

"When I say that you can save a couple of jobs, that is purely a surmise. They say they are doing a lot under the present law — they would no longer be doing that under my law."

Senator Bennett to Senator Cleveland:

"I can appreciate your point on the railroads and the situation about the trucks. But I believe you failed to comment on the public. Would the public be injured by this bill?"

Senator Cleveland:

"I am absolutely and firmly convinced that the public interest would not be injured. I have represented, as an attorney,

at least one bus company. I think that all of the bus companies are having extreme financial difficulties. The travelling public would not pay more if these regulations were taken off. The thing that is putting the city buses out of existence are car pools and taxies and the increased number of privately owned cars. I believe that the public interest would not be injured if this control was removed."

Senator Rainie:

"I am not too familiar with this situation, but a short time ago, I had called to my attention activities of the PUC which indicates that not many of us know what they do. That had to do with boating on the lakes. 30,000 licenses have now been issued by the PUC and it requires 50 inspectors to go around and keep track of these boats and their proper operation, licenses, etc. Now, that is a sizable contribution and a sizable operation. I don't believe that should be ignored."

Senator Cleveland:

"Matter of personal privilege. I do not wish to imply that many of the function presently performed by the PUC are not important. They recommend rates for telephone and electric utilities and they do have an increased volume of business in the matter of boating. I simply said that here is a field that now demands a change should be made."

Senator Rogers:

"I wish to speak briefly against this bill in its present form. For the simple reason that it excludes from the supervision an intrastate company which would then have no supervision and would then, in effect, have to be regulated by monopoly. There is a difference between the trucking companies and a bus company, which in order to be successful must be protected by a franchise which gives it a monopoly in that area. If this was only going to relate to trucks, I would be inclined to favor it. I am well aware of the intrastate bus lines and I believe that the PUC is doing a good job. Not in favor of removing from supervision."

Senator Karkavelas:

"This bill has far-reaching effects on the PUC and this commission is against this bill. I believe that the PUC is doing well in this work they are doing. They are definitely



against such a bill and I believe that they know much more about this work than we do sitting here.”

Senator DeLude:

“I feel that we should judge this seriously on the merits of the bill itself. Unfortunately, the PUC can make some pretty ridiculous rulings. When I became a member of the school board in my town, we had a new school system and we had a telephone which we had never had before. It was on a line with eight people. When we started getting our telephone bills, I was amazed that we were being billed at a business rate and at an eight party line charge. I checked with the telephone company and with the manager and they agreed that the charges were somewhat ridiculous, but they were powerless to do anything about it because the PUC had made the decision. That seemed asinine to me. I can see no justification for a ruling of that sort. I urge the Senate to consider this measure on its own merit rather than on what the PUC wants.”

Senator Rainie moved the previous question. Seconded by Senator Paquette.

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Cleveland that the words, Ought to pass, be substituted for the words, Inexpedient to legislate.

Senator Cleveland requested a division.

Five Senators having voted in the affirmative, and eight Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator Cleveland moved that the bill with the accompanying report be referred to the Legislative Council.

Senator Packard asked Senator Cleveland if he would change his motion to refer the above to the Judicial Council.

Senator Cleveland replied in the negative, stating that he felt the proper reference would be to the Legislative Council.

On a *viva voce* vote, the affirmative prevailed, and the bill with the accompanying report was referred to the Legislative Council.

SB 201, An Act to legalize the proceedings of an annual meeting of the Lebanon School District and to permit it to

borrow a certain sum of money. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

Senator Rainie:

"Mr. President, this is a typical bill where a town finds that it must have legalization for something done. A large representation from the town of Lebanon was present — they were here to attend a hearing just previously on the bill to provide new government for Lebanon. The meeting was unanimous in approving this bill. It has the agreement of the community and seems to be in order."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 433, An Act relative to Troy water works. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

Senator Rainie:

"Mr. President, in the town of Troy, when this water system was first set up, it was not too important. It only served about 20 at that time. The Water Works Committee consisted of five members. There are now around 150 being served by this body and the towns people have felt that efficiency would be improved if membership was reduced to three. That is what this bill does — it legalizes the town of Troy at its March meeting to change the number of the Water Works Committee from five to three and sets up several other details to set up the operation of the system. No opposition. Several from Troy appeared in favor of this bill."

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Cleveland moved that the rules of the Senate be so far suspended as to permit the introduction of three committee reports, not previously advertised in the Journal.

Senator Cleveland spoke in favor of the motion.

Senator Packard spoke against the motion.

Senator Rainie spoke against the motion and requested Senator Cleveland to withdraw his motion.

Senator Cleveland withdrew his motion.

### **Resolution**

On motion of Senator Packard, the following resolution was adopted:

*Whereas* we deplore the practice of throwing litter along New Hampshire Highways both because it mars the natural beauty of our illustrious state and because it is expensive to clean up this waste material, and

*Whereas* the New Hampshire Automobile Dealers Association is distributing 50,000 litter bags in an effort to stem this practice, therefore be it

*Resolved*, that the Senate commend the Association for this effort and appeal to our citizens and our visitors especially over the holiday to join in this effort to Keep New Hampshire Clean and Green.

### **Special Order of Business — at 11:01 O'clock**

Senator Bennett called for the Special Order.

Question being on the adoption of amendments sent up from the House to:

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires.

On motion of Senator Bennett, consideration of the above was laid upon the table and made a Special Order of Business for next Tuesday, July 9, at 11:02 o'clock.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 446, An Act making temporary appropriations for expenses of the state of New Hampshire for the month of July, 1957.

SB 45, An Act providing for a deputy superintendent at Laconia state school.

SB 109, An Act relative to hearings before the personnel commission.

SB 110, An Act relative to reports of fire insurance companies to the Board of Fire Control.

SB 154, An Act relative to lumber cut reports.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

On motion of Senator Lamontagne, the Senate went into afternoon session.

### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 186, An Act relative to the acceptance of federal aid for preservation of roadside scenery on the interstate highway system.

SB 198, An Act relative to repair of town highways and to provide for disposal of certain records of the public works department.

SB 201, An Act to legalize the proceedings of an annual meeting of the Lebanon School District and to permit it to borrow a certain sum of money.

SB 203, An Act relative to the appeal of Frederick C. Pearson, Jr. and Avis G. Pearson from taking an award by State of New Hampshire.

HB 373, An Act to provide for a farm registration for motor trucks and semi-trailers when used exclusively for farm purposes.

HB 433, An Act relative to Troy Water Works.

On motion of Senator Packard, the rules of the Senate were so far suspended as to permit the introduction of a Senate joint resolution:

### **Introduction, First and Second Reading of Senate Joint Resolution**

SJR 8, Joint Resolution relative to interpretation of legislative intent on subversive activities. Introduced by Senator Packard.

Referred to the Committee on Judiciary.

Senator Humphreys moved that the Senate reconsider its vote whereby it passed SJR 7, Joint Resolution providing for an investigation of gasoline and fuel oil prices in the State of New Hampshire.

On a *viva voce* vote, the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Adams, the Senate adjourned at 12:43 o'clock, to meet next Tuesday morning at 11:00 o'clock

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TUESDAY, JULY 9, 1957

The Senate met at 11:00 o'clock.

### **Leave of Absence**

Senator DeLude requested leave of absence for the day, on account of important business. This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed to the floor of the Senate, as the guest of Senator Caron, Miss Adelaide Dodge, the head of Social Science Department at Manchester Central High School.

The President welcomed to the floor of the Senate, as the guest of Senator Caron, Miss Elizabeth O'Malley, President of Manchester Teachers Guild, of Manchester.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 198, An Act relative to replacements in and extension of the heating plant system at the University of New Hampshire.

HB 216, An Act relative to the construction of two buildings for instructional purposes and the remodeling of certain present buildings at the University of New Hampshire.

HB 223, An Act relative to the construction of a dormitory for men at the University of New Hampshire, and to be liquidated from income.

### **Introduction, First and Second Reading of House Bills**

HB 198 to the Joint Committee on Finance and Education.

HB 216 to the Joint Committee on Finance and Education.

HB 223 to the Joint Committee on Finance and Education.

**Concurrent Resolution**

Senators O'Brien and Rhodes introduced the following Concurrent Resolution :

**Concurrent Resolution****with respect to the Poultry Industry**

*Resolved by the Senate and House of Representatives in General Court convened:*

*Whereas*, the current low markets for poultry and poultry products have had a serious effect on the poultry industry in New Hampshire, one of the two largest agricultural industries of our state, and

*Whereas*, poultry producers are presently troubled by the low economic returns for their labor, and investment, and

*Whereas*, new factors developments in the national poultry situation have entered the picture and appear to be seriously jeopardizing the future of this great enterprise, and

*Whereas*, the loss of a substantial portion of this business would reflect on the economy of the State of New Hampshire, now therefore be it

*Resolved*, that the Congress of the United States be requested to investigate the poultry situation to determine if there is any violation of the Anti-Trust laws of the United States.

On motion of Senator O'Brien, the above Concurrent Resolution was made a Special Order of Business for tomorrow morning at 11:01 o'clock.

**House Message (continued)**

The House has voted to concur with the Honorable Senate in the passage of the following entitled bills :

SB 168, An Act relative to the sale of dangerous weapons.

SB 197, An Act relative to cases transferred from juvenile court to the superior court.

SB 190, An Act relative to opening and closing of polls at primaries and biennial election in towns.

The House concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House asks concurrence :

SB 158, An Act relating to probate courts.

Amend said bill by striking out section 4 and inserting in place thereof the following:

4. *Takes Effect.* This act shall take effect July 31, 1957.

On motion of Senator Cleveland, the Senate voted to concur in the adoption of the amendment to the above entitled bill.

SB 13, An Act providing special fees for privately owned school buses.

Amend section 2 of the bill by striking out the figures "1957" and inserting in place thereof the figures, 1958, so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect as of April 1, 1958.

On motion of Senator Adams, the Senate voted to concur in the adoption of the amendment to the above entitled bill.

On motion of Senator Packard, the Senate recessed for one minute.

(Recess)

The Senate re-assembled.

### Committee Reports

HB 441, An Act relative to constitutional amendment ballots. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Cleveland:

"Mr. President, the purpose of this bill was to spell out, on the ballot where constitutional amendments are submitted to the voters, are clearly so stated. Different colored ballots may be used, if they wish, for the constitutional amendments."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 373, An Act to provide for a farm registration for motor trucks and semi-trailers when used exclusively for farm purposes. Report of the Committee on Engrossed Bills (Senator Horner): Under Joint Rule No. 6 with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Farm Motor Truck Registration.* Amend paragraph V of RSA 262:1 (supp) as amended by 1955. 144:1 by striking out said paragraph and inserting in place thereof the following:

Further amend section 1 of said bill by inserting in line 23 after the words "farm truck" the words, or combination truck-tractor and semi-trailer.

On motion of Senator Packard, the reading of the amendment was dispensed with.

Senator Packard:

"Mr. President, the purpose of this amendment is that there are two sections where farm trucks are stated and then tractor and trailer. These last words (tractor and trailer) were omitted in error."

On a *viva voce* vote, the amendment was adopted.

SB 157, An Act relative to investments of savings in industrial securities. Report of the Committee on Banks and Insurance (Senator Rogers):

*Resolved*, That it is inexpedient to legislate.

Senator Rogers:

"Mr. President, briefly this bill, as I understand it, was intended to provide certain raising of the limitation on investments by trustees as defined in the section which lists the securities which are legal for savings banks. To make it more relaxing for trustees to invest funds of savings banks. The savings banks objected to this more relaxing provision. Bank commissioner also objected."

On a *viva voce* vote, the resolution of the committee was adopted.

HB 194, An Act abolishing the civil and criminal jurisdiction of justices of the peace. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Cleveland:

"Mr. President, this bill takes away from the justices of the peace their civil and criminal jurisdiction which they have in certain minor cases. In matters where the fine is not over \$10 and the amount in question is not over \$13 or \$14. Under



the present day circumstances, this is archaic and practically never used. It seems like a wise step to take this off the books."

Senator Packard stated that he could see no reason for changing this law.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Packard wished to be recorded as voting against the passage of the above bill.

SB 40, An Act providing an open season for taking fisher. Report of the Committee on Fisheries and Game (Senator Rhodes) : Ought to pass with amendment.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Fisher; Open Season.* Amend RSA 210 by inserting after section 1 the following new section: 210:1-a. *Fisher.* Fisher may be taken and possessed with the aid of and by use of a dog and gun from November 1 to February 1 in all counties of the state except Coos county. There shall be no open season for taking fisher in Coos county.

Senator Rhodes:

"Mr. President, at the time of the public hearing, evidence was brought out that in certain sections of the State fisher were getting quite numerous, but Coos county had very few, and they were easily trapped. So it was felt that it would be unwise to trap them, but it was thought if they were merely hunted with dog from November 1st to February 1st. The committee unanimously approved, and there was no opposition."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

The President recognized Senator Packard:

"Mr. President, I move that the rules be so far suspended that the order whereby SJR 8, Joint Resolution relative to interpretation of legislative intent on subversive activities, was referred to the Committee on Judiciary be vacated. I will then on further motion move that the Committee reference and public hearing of the Joint Resolution be dispensed with, and that it be read a third time and passed at the present time."

Senator Packard:

"Mr. President, I am speaking on the motion to vacate.

I think that you are all familiar with this resolution which I introduced last Wednesday. It has reference to the U. S. supreme court decision on the Wyman-Sweezy case. The supreme court in its findings stated the lack of any indication that the legislature wanted the information that the attorney general was attempting to obtain. The supreme court decided in favor of Sweezy. The attorney general wishes to petition the supreme court for a re-hearing. This appeal must be presented within 25 days of the first ruling. This will require 40 printed copies in the mail to the supreme court by July 12. That is why I am asking the suspension of the rules. I hope that the Senate will act on this resolution today and get it into the House for Governor's action on Thursday in order to meet the deadline of July 12th. Unless we take action, nobody can do anything. I believe everybody is familiar with this case. The question involved here is strictly whether the supreme court was saying what was in the minds of the Legislature when we passed the bill. All this resolution does — it simply states that the General Court does want the information from Sweezy. I think there is no longer argument needed. I believe it is very clear to everybody here. I understand that the Chairman of the Judiciary Committee has set this resolution for hearing on Thursday. That will be too late. The time element is important, and I urge the Senate to support my motion."

Senator Cleveland spoke against the motion:

"The thing that disturbs me about the motion of Senator Packard may be stated as follows: The Judiciary Committee has posted this for hearing on Thursday. Not only is the attorney general involved in this, but another distinguished member of the bar, William Phinney, who was the attorney for Sweezy. I have notified Mr. Phinney that this resolution had been introduced and must be scheduled soon as time is running out. He replied that he wished to be heard. It strikes me that it is very elemental that we should not try to deny anyone the privilege or the opportunity of being heard in public hearing on any measure. I am not at all impressed that the attorney general had not had time. He had time to go out to Sun Valley, etc. He could have taken care of this before he packed his bags. I do not wish to discuss this case at the present time. I have very grave reluctance to take any action to tell the supreme court of the United States what the thoughts

were of the legislature two or three years ago. This is an important matter. It seems to me that this Senate has in the past vacated orders and reference to committee. Sometimes we talk about it and sometimes we don't. This is a matter of some importance. It seems to me that a matter of this importance certainly should have a public hearing, for all concerned to state their position. Relative to the factor that the time is running out — that is not the fault of this Senate — that is the fault of the attorney general. I hope the Senate will vote against this motion."

Senator Rainie:

"What interests me is this — everybody seems to take it for granted that everybody knows all about this. I think this is an imposition on us. We are asked to vote on something that we know nothing about. We are being asked to take action immediately on something with which we are not familiar. I am against the motion."

Senator Adams:

"In view of the remarks of Senator Rainie, I would ask for a five minute recess in order that he may inform himself what it is all about and may read it."

Senator Rainie:

"My solicitation was not confined to myself — I believe there are others in the Senate that may feel the same way. This cannot be absorbed in a few minutes."

Senator Adams withdrew his motion.

Senator Humphreys:

"I simply want to say that the majority of the Senate are as disgusted as I am by the decision of the supreme court. I feel that we must try and do something as fast as we can after this ridiculous decision."

Senator Holmes:

"Mr. President, I would like to ask Senator Packard why is there so much haste. Why was not something done about going ahead with this resolution earlier?"

Senator Packard:

"I probably cannot give you much of an answer. The attorney general arrived here at his office Wednesday morning.

I was in conference with him and I do not suppose his office could act on such an important matter. But in talking with the attorney general Wednesday morning, I immediately had it drafted."

Senator Holmes inquired of Senator Packard:

"Then the attorney general requested you to submit the resolution, did he?"

Senator Packard:

"I do not wish to put it this way. But this is a resolution in which he is very interested."

Senator Holmes:

"Who suggested that this resolution be introduced? Was it your own idea or was it requested by somebody else?"

Senator Packard:

"The idea was mine."

Senator Holmes:

"Mr. President, I would like to make it very plain that I have every confidence in the way the attorney general has conducted these investigations. I would, however, like to be able to read and study the resolution. I had assumed that by reference to the Judiciary Committee I would have this opportunity. I wish to clearly state that I am in favor of the passage of the resolution commending the attorney general for the fine way he has handled the investigation and I am in favor of saying that he had authority from the legislature to get the answers to the questions, but I would like to have a resolution such as this go through the regular channels of consideration and none of us have had an opportunity to read it until this morning. I wish the vote to show my confidence in the attorney general, but I do not wish to vote for something that I do not understand."

Senator Caron requested a five minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Question being on the motion of Senator Packard to vacate.

Senator Rogers:

"Mr. President, I have to oppose this motion on the grounds that neither I nor, in my opinion, the Senate as a whole, has enough information necessary to decide a case which involves a ruling of the supreme court of the United States. The question of law is so involved here that I would certainly object to a quick decision. At this point, I would not think we were qualified to judge."

Senator Karkavelas:

"I wish to state that I was in the legislature when around \$50,000 was given to the attorney general for his investigations, in 1953. This was followed in 1955 by \$40,000. There was no doubt of purpose and intent of this legislature for that amount of money. And more money has been given this session. I say to you that the people of the State of New Hampshire have spent over \$100,000 in this drive. The attorney general has done a good job. There is no room in this state for communists. There was no doubt in my mind when I voted for this appropriation. If there are communists, they should say they are. I wish to vote on this resolution at this time and tell the supreme court that the intent of this legislature was for them to answer these questions."

Senator Bennett:

"Mr. President, let us not kid ourselves on what this resolution is. I had anticipated being able to bring down a copy of the decision of the supreme court. They had a lot more to say other than what was in the content of this resolution. I say that is the purpose of this resolution being railroaded through here today. I am opposed to it 100%."

Senator Humphreys:

"I was not in the legislature, but I haven't the slightest doubt of what their intent was. They intended the attorney general to ask the questions and obtain the answers. I believe there is not the slightest reason why the supreme court or anybody should question this. They should be so informed if they raise this silly question."

(Discussion ensued)

Question being on the motion of Senator Packard to vacate. On this motion, Senator Karkavelas demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Anderson, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Bennett, Rogers, Cleveland, English, Holmes and Rainie.

Sixteen Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed, the motion carried, and the order was vacated.

Question being on the motion of Senator Packard, that the rules of the Senate be so far suspended as to dispense with reference to committee and public hearing, and that the joint resolution be placed on its third reading and final passage at the present time.

Senator Cleveland:

"From the roll call, there can be little doubt as to how the Senate will vote. For the record, I believe that I ascribe to the remarks of Senator Bennett, that in essence, this is a futile act. We cannot possibly, in any way, know what was in the minds of the members of the Senate four years ago or two years ago. This is retroactive legislation which is clearly unconstitutional. I agree with Senator Bennett that this is not only to slap the face of the supreme court, but to save the face of the attorney general. I do not think such a resolution is sound. I do not think it is in the interests of good government. I wish to remind the Senate again that you are taking away from a distinguished member of the New Hampshire bar, Mr. Phinney who represented Sweezy, his right to appear before the committee to give his side of the story. We are not familiar with the questions asked by the attorney general of Mr. Sweezy. None of us here know what the questions were. I wish to remind the Senate, and this is in the memory of all of us. Back in 1933, 1934 and 1935 the supreme court of the United States was under fire, because it had declared unconstitutional certain acts. Legislation was introduced to pack the supreme court and the people of the United States and the Legislatures were against that, because, deeply ingrained in our system of government, an important part of our Americanism, is the feeling that our courts have got to be kept out of politics. We have kept them out of politics down through the centuries.

Now, what we are trying to do by legislation is to retroactively change the decision of the supreme court, to tell them that they are all wet and do not know what they are doing. I can only hope that the Senate will reconsider its action and handle this resolution in the usual way."

(Discussion ensued)

Senator Daniel requested the Clerk to read the following report:

1. The Attorney General submitted a report to the Legislature on January 5, 1955. A great deal of this report was devoted to Sweezy. (See, P. 73 and PP. 79 — 101, including a photograph of Sweezy with Earl Browder).

2. Sweezy was questioned on January 8, 1954 and then again on June 3, 1954. The second time was after the lecture at the University of New Hampshire. Transcripts of these questionings were available in the Attorney General's office for examination by any member of the General Court.

3. Sweezy refused to answer anything about the content of the lectures or what he said in the lectures, claiming the First Amendment and not the Fifth Amendment. The New Hampshire Supreme and Superior Courts held that this was not proper, and Sweezy appealed to the United States Supreme Court, which after suggesting rather pointedly that the New Hampshire Supreme Court gave some of Sweezy's constitutional arguments rather short shrift, disposed of the case by holding that it was not clear from the record that the New Hampshire Legislature wanted these questions asked or the information sought and that the lack of certainty on this point must be treated as an absence of authority in the questioner (the Attorney General).

4. While the United States Supreme Court also made a suggestion that the Legislature could not divorce itself from responsibility for the exercise of discretion by blanket delegation of a broad charter to a committee, it is reasonably clear that the basis for its decision was rested on the ground that it was not clear that the Legislature wanted the information sought. The resolution which has now been introduced makes reference to these facts and does nothing more than to say that the General Court does want the information from Sweezy.

5. Rules of the Supreme Court require that the Petition for Rehearing shall be filed within 25 days from adverse ruling. This means that we must have a petition, with 40 printed copies, in the mail to the Supreme Court not later than July 12, which is Friday of this week.

Frankly, my position in this matter is simply that the opinion is astonishing and adopts an approach which is liberal sophistry. I don't know that passage of the resolution will make any difference to the High Court but whether it does or not, if the Legislature does *not* want this information there is no sense in my continuing with the matter for the Legislature. Futhermore, and this is perhaps vital, unless the Legislature passes this resolution its silence is the equivalent of agreement with the United States Supreme Court, and conflict with our own Supreme Court whose decisions in this field have led the country in achieving a reasonable balance between security and private rights.

The Chair inquired what is to prevent the attorney general from filing a petition regardless of what is done with this resolution.

Senator Adams:

"It is my understanding that the attorney general must have some new evidence to support his request for a rehearing. This would be conclusive — it would be evidence that the supreme court had passed their decision on improper grounds, on unsolid grounds, to say the least. I believe this is of utmost importance and something must be done about it. In the absence of any action, the supreme court will assume that is agreeable."

Senator Cleveland:

"Mr. President, I move that the Senate Counsel obtain a copy of the decision and read it. Senator Adams has said that he feels we should discuss all of it today. I think nobody here has read the decision yet. I feel that we should know more about this decision. I move that the Senate Counsel obtain a copy and read it to us."

The Chair announced that he could not recognize Senator Cleveland to make that motion. The question before the Senate is on the suspension of the rules.



Senator Cleveland withdrew his motion and requested a recess.

Senator Humphreys:

"I would like to have our Counsel obtain a copy of the decision of our own New Hampshire supreme court."

Senator Holmes:

"I would ask the Counsel to also obtain a copy of the questions that were asked of Mr. Sweezy so that I can say that I was familiar with the questions."

Senator Adams:

"Well, if we are going to spend the time — I do not think it will take the Counsel 5 minutes to get these items. Anybody that wants any information, let's get it and read it."

Senator Packard:

"Just an observation. The Senate will remember in my earlier talk that it was the intention if we were going to pass this today, in order to get it into the House before they adjourn, we must act on it at once. Delay will defeat our own purpose. We are not arguing about anything else in the whole 16 pages of the decision — just one paragraph."

The Chair stated that without objection on the part of the Senate he will ask the Senate Counsel to obtain from the attorney general the copy of the decision of the United States supreme court, the copy of the decision of the supreme court of the State of New Hampshire, and copy of the questions that were asked Mr. Sweezy.

Senator Adams:

"The House is in recess. I have every reason to believe that they will be in session for sometime."

The Chair inquired of Senator Adams if he was agreeable to pass over this matter and take it up later. Further stated that it might be possible for the members of the Senate to recess for lunch at this point.

The President declared a recess, subject to the call of the Chair.

(Recess)

The Senate re-assembled.

On motion of Senator English, the Senate voted to pass over the pending motion and to continue with the other business of the Senate at the present time. Seconded by Senator Holmes.

SB 167, An Act relative to dogs pursuing or maiming deer. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Dogs.* Amend RSA 466:34 by striking out the same and inserting in place thereof the following: 466:34. *Pursuing Game, etc.* Any owner of a dog to whom notice has been given that such dog, when at large, has been discovered pursuing, maiming, or harassing moose, caribou, deer or sheep, or injuring any domestic creature, shall be fined not more than fifty dollars for each subsequent occasion on which said dog shall be so discovered.

2. *Repeal.* RSA 466:35 relative to fines for maiming deer, is hereby repealed.

3. *Killing Dogs.* Amend RSA 466:36 by adding at the end thereof the words, and shall immediately notify the owner in writing of the killing of said dog, so that said section as amended shall read as follows: 466:36. *Killing Dogs.* Any law enforcement officer may kill any dog found in the act of maiming deer and shall immediately notify the owner in writing of the killing of said dog.

4. *Takes Effect.* This act shall take effect sixty days after its passage.

On motion of Senator Rhodes, the reading of the amendment was dispensed with.

Senator Rhodes:

"Mr. President, we have spent some time in trying to work out something satisfactory. I will ask Senator Rogers to explain."

Senator Rogers:

"Mr. President, I would like to explain the amendment in connection with the bill since the amendment strikes out all after the enacting clause and inserts therefor an amendment

which covers several provisions of the law relating to dogs in connection with the harming and chasing of deer. This applies to three sections of the present law which is contained in New Hampshire Fish and Game laws. The first section — covers the case of a dog that has been found in the act of pursuing deer and a warning has been given to the owner and has then been found in the same situation. Also applies to moose, caribou. The amendment provides in this case that the owner of the dog to whom notice has been given and his dog has been found in the act of pursuing deer, shall be fined not more than \$50. This brings into agreement with other Fish and Game laws. The present law provides a fine of \$5 in each case. Also added maiming or harming. Section 2 — repeals section 35 of RSA 466 — under this law, the owner of the dog may be fined the same amounts as if he had committed the act. The owner of a dog found in the act of maiming game protected by law — the owner is made responsible for his dog under all circumstances. This is in effect for the protection of the owner of the dog. Section 3 — merely adds the provision that if any law enforcement officer kills a dog without notice, then he shall immediately notify the owner in writing of this.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 335, An Act relative to the State's share of the school superintendents' salaries. Report of the Committee on Education (Senator Merrill) : Ought to pass with amendment.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Helping Teacher.* Amend paragraph XXIV of RSA 186:11 by adding at the end thereof the words, all helping teacher positions hereinafter established shall be only after a majority of the school districts in the supervisory union representing not less than eighty-five per cent of the total pupils in the supervisory union have voted favorably upon the establishment of the position, so that said paragraph as amended shall read as follows:

XXIV. Helping teacher, as referred to in paragraph XXIII, is defined as a teacher with specific training and experience which will enable her, or his, to give helpful advice, counsel, and assistance to teachers, pupils and parents of a

school system as a constructive means of improving the educational growth and development of children, solving pupil problems of retardation and maladjustment, adopting the program of studies to meet the needs of the children and the community, bringing resources outside of the school to classroom teachers, pupils, parents and community, and in general acting as a consultant to the entire staff and community in the recognition of the educational needs. All helping teacher positions hereinafter established shall be only after a majority of the school districts in the supervisory union representing not less than eighty-five per cent of the total pupils in the supervisory union have voted favorably upon the establishment of the position.

On motion of Senator Holmes, the reading of the amendment was dispensed with.

Senator Holmes:

"Mr. President, the amendment deals with the question of hiring a helping teacher in the supervisory union. We had a discussion in the Senate as to whether it should be a majority of the school districts voting in school meetings to hire a helping teacher, or a unanimous vote of the school districts to hire a helping teacher. In the amendment, we have worked out a compromise which requires a vote in favor by the majority of the school districts in the union and that majority must represent 85% of the pupil enrollment in the union. The other part of the bill was not controversial previously."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 148, An Act establishing a board of relief for wrongful imprisonment. Report of the Committee on Ways and Means (Senator DeLude): With the recommendation that it be referred to the Judicial Council.

Senator Rainie:

"Mr. President, this bill would constitute the Governor and Council as a Board of relief which would represent to any prisoner confined under certain circumstances a proper handling for his loss of time; say in the case of a prisoner who is held in the house of correction for two or three months. Then the court failed to indict him. He would then have a

claim. The committee felt it would be wise to have the Judicial Council look this bill over."

On a *viva voce* vote, the recommendation of the committee was adopted.

SB 195, An Act relative to public weighers. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

Senator Rainie:

"Mr. President, the present law provides that no person shall act as a public weigher unless authorized by law. The law has been sidetracked and many employees of various firms have been appointed and have acted as weighers. This law makes it possible for any city or town to provide that this present law shall not apply. That is to say that any city or town which so desires can relieve itself of the provisions of the present law, if desired."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 19, An Act relating to transporter registration. Report of the Committee on Transportation (Senator DeLude): in new draft and with new title.

On a *viva voce* vote, the recommendation of the committee was adopted. The bill was laid upon the table to be printed, and referred to the Committee on Transportation.

HB 338, An Act to establish the city of Lebanon. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendment.

Amend section 72 of said bill by striking out in the fourth line the word "one-third" and substituting in place thereof "one-fourth" so that said section as amended shall read as follows:

72. *Referendum.* This charter shall not take effect unless it is adopted by a majority ballot vote at a special election to be held on the third Tuesday of October 1957, or at a subsequent referendum as is hereafter provided for and unless there are present and voting at any such meeting at least one-fourth of the registered voters of said town. On the ballot then used the following question shall appear, "Shall the provisions of an act entitled 'An Act to establish the city of

Lebanon' be adopted?" Beneath the question shall be printed the word "yes" and the word "no" with a square immediately opposite each word, and the voter shall indicate his choice by making a cross in the appropriate square. If a majority of those voting on this question vote in the affirmative on this question, this act shall be declared to have been adopted. If this act shall not be adopted at said special election, the question of the adoption of this act may again be voted on at any annual town meeting in an odd numbered year following the passage of this act if at least three per cent of the number voting at the last previous annual town meeting, all qualified voters of the town, shall sign a petition requesting such vote, said petition to be submitted to the selectmen at least fourteen days prior to said election.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

Senator Rainie:

"Mr. President, in the House, there was an amendment added to this bill which required that before this act was accepted in the town of Lebanon, there must be present one-third of the qualified voters of the town. Many people who were at the hearing felt that this was too large a percentage. They wanted one-fifth of the voters. A compromise was reached — one-fourth of the vote — or about 1400 voters out of 5600. This amendment which we are presenting has been agreed to by the people in the House. The original bill called for one-third of the voters."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 116, An Act relative to fishing, sale of bait, and hunting and fishing licenses for members of the armed forces and military personnel. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

Senator Rhodes:

"Mr. President, this is a House bill. It makes several minor changes in the fishing laws. One, has to do with spinners in reclaimed trout ponds. Second, relates to the sale of preserved smelts. Does away with requirement for license to sell smelts in glass containers. Third, makes it possible for those

in the armed forces to be issued a hunting and fishing license the same as other residents in the state. No opposition."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 407, An Act to revise the charter of the city of Rochester. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

Senator Rainie:

"Mr. President, the present charter of the city of Rochester calls for annual election. The new charter makes the term biennial. Reduces the number of councilmen from 18 to 12 and makes some other changes in the structure of the political government of the city. The public hearings were well attended by members of both parties. Delegation in the House is in favor. Senator Bergeron has gone over the charter and informs me that it is satisfactory. As near a unanimous vote as can be."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **House Message**

*Mr. President:*

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 376, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

### **Introduction, First and Second Reading of House Bill**

HB 376 to the Committee on Finance.

Senator Caron offered the following resolution:

### **Resolution**

*Whereas*, Mrs. Henry E. Cushman, the mother of our First Lady, Mrs. Betty Dwinell, has passed away, Therefore, be it

*Resolved*, that we, the members of the Senate, do extend our heartfelt sympathy to Mrs. Dwinell in her bereavement, and be it further

*Resolved*, that the Clerk transmit a copy of these resolutions to Mrs. Dwinell.

On a standing vote, the above resolution was unanimously adopted.

The Chair announced that the Senate would now proceed with further consideration of SJR 8, Joint Resolution relative to interpretation of legislative intent on subversive activities.

Question being on the motion of Senator Packard, that the rules of the Senate be so far suspended as to dispense with reference to committee and public hearings on SJR 8, Joint Resolution relative to interpretation of legislative intent on subversive activities, and that the joint resolution be put upon its third reading and final passage at the present time.

Senator Cleveland requested a report from the Senate Counsel.

Senator Adams inquired how long it would take for the Senate Counsel to read this report.

The Senate Counsel replied that it was 11 pages long and he had not been able, as yet, to read it.

The President inquired as to the wishes of the Senate.

On motion of Senator Lamontagne the reading of the report of the supreme court was dispensed with.

(Discussion ensued)

Senator Cleveland spoke against the motion of Senator Packard.

Senator Adams spoke in favor of the motion.

Senator Adams moved the previous question. Seconded by Senators Lamontagne and Caron.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Packard.

On this motion, Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Anderson, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Kar-kavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Bennett, Rogers, Cleveland, English, Holmes and Rainie.

Sixteen Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed, and the motion carried, and the rules were suspended.



Question being, Shall the joint resolution be read a third time, and passed at the present time?

On a *viva voce* vote, the affirmative prevailed.

### **Third Reading of Senate Joint Resolution**

The following Senate joint resolution was read a third time, and passed:

SJR 8, Joint Resolution relative to legislative intent on subversive activities.

On motion of Senator Adams, the Senate refused to reconsider its vote whereby it passed the above captioned joint resolution.

### **Special Order of Business — 11:01 O'Clock**

Senator Rainie called for the Special Order.

Question being on the consideration of the amendment sent up from the House to SJR 6, Joint Resolution in favor of Charles F. Macey.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the governor and council are hereby authorized and empowered to award compensation to the said Charles F. Macey in the sum of thirty dollars per week for a further period of one hundred weeks beginning as of June 25, 1957. The governor is hereby authorized to draw his warrant for the payment of such sum or sums as may be awarded hereunder out of any money in the treasury not otherwise appropriated. The acceptance of this award shall be in full and final settlement of the claim of the said Charles F. Macey for the accident referred to.

On motion of Senator Merrill, the Senate voted to concur in the adoption of the amendment.

### **Special Order of Business — 11:02 O'Clock**

Senator Bennett called for the Special Order.

Question being on the adoption of the amendment sent up from the House to SB 115, An Act to provide for the coordination of mutual aid in protection against fires.

On motion of Senator Bennett, the Senate refused to con-

cur in the adoption of the amendment sent up from the House and requested that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Bennett and English.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 56, An Act relative to the salary of the justice of the Manchester municipal court.

HB 433, An Act relative to Troy Water Works.

HB 440, An Act legalizing action taken at the meeting of the Reed's Ferry Village Water & Sewer District held March 25, 1957.

SB 123, An Act prohibiting open season for taking beaver in the county of Coos and certain towns in Grafton county.

SB 168, An Act relative to the sale of dangerous weapons.

SB 190, An Act relative to opening and closing of polls at primaries and biennial election in towns.

SB 197, An Act relative to cases transferred from juvenile court to the superior court.

SB 200, An Act relating to approved schools of hair-dressing.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

#### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 40, An Act providing an open season for taking fisher.

SB 167, An Act relative to dogs pursuing or maiming deer.

Senator Humphreys wished to be recorded as having voted against the passage of the above bill.

SB 195, An Act relative to public weighers.

HB 116, An Act relative to fishing, sale of bait, and hunt-

ing and fishing licenses for members of the armed forces and military personnel.

HB 194, An Act abolishing the civil and criminal jurisdiction of justices of the peace.

HB 335, An Act relative to the State's share of the school superintendents' salaries.

HB 338, An Act to establish the city of Lebanon.

HB 407, An Act to revise the charter of the city of Rochester.

HB 441, An Act relative to constitutional amendment ballots.

On motion of Senator Karkavelas, the Senate adjourned at 2:55 o'clock.

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WEDNESDAY, JULY 10, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate:

As the guest of Senator DeLude, Miss Alice G. Crane of Washington. Miss Crane's father is a Representative in the House. Washington has representation every ten years.

As the guests of Senator Packard, his daughter, Miss Melody A. Packard, and her chum, Miss Janet B. Ellis, both of Manchester.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 217, An Act relating to school building aid.

HB 388, An Act establishing the New Hampshire State Port Authority.

HB 324, An Act relative to taking of clams, clam worms and oysters.

HB 141, An Act relative to possession of wild deer meat.

HB 357, An Act relative to opening season at Bear Brook.

HB 333, An Act relative to mileage allowance for members of the General Court.

**Introduction, First and Second Reading of House Bills**

HB 141 to the Committee on Fisheries and Game.

HB 217 to the Joint Committee of Education and Finance.

HB 324 to the Committee on Fisheries and Game.

HB 333 to the Committee on Finance.

HB 357 to the Joint Committee on Resources, Recreation and Development and Fisheries and Game.

HB 388 to the Joint Committee on Public Works and Finance.

**House Message (continued)**

The House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the House asks the concurrence of the Honorable Senate:

HB 313, An Act relative to the salaries of the justice and clerk of the municipal court of Dover.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Dover Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1, 182:1, 279:1, 296:1, 1957, 66:1, 1957, 83:1, 1957, 108:1, 1957, 125:1, 1957, 175:1 and by acts relative to salaries of justices of Manchester and Nashua municipal courts by striking out the words, "In Dover, one thousand eight hundred dollars" and inserting in place thereof the words, In Dover, two thousand five hundred dollars, so that said paragraph as amended shall read as follows:

I. Salaries of justices of municipal courts shall be paid from the treasury of the city or town in which such courts are located, may be paid quarterly or monthly, and shall be in the following sums per annum:

In Manchester, five thousand one hundred dollars;

In Nashua, four thousand dollars;

In Concord, three thousand five hundred dollars;

In Portsmouth, three thousand dollars;

In Dover, two thousand five hundred dollars;

In Laconia, three thousand dollars;

In Keene, two thousand five hundred dollars;

In Claremont, two thousand three hundred dollars;

In Berlin, twenty-two hundred dollars;

In Rochester, one thousand two hundred dollars;

In Lebanon, one thousand five hundred dollars;  
In Newport, one thousand one hundred and fifty dollars;  
In Derry, nine hundred dollars;  
In Franklin, one thousand two hundred dollars;  
In Exeter, eight hundred dollars;  
In Somersworth, eight hundred dollars;  
In Littleton, eight hundred dollars;  
In Hampton, one thousand dollars;  
In Milford, six hundred dollars;  
In Haverhill, eight hundred dollars;  
In Salem, one thousand dollars.

Amend section 2 of said bill by striking out the first three lines and inserting in place thereof the following:

2. *Dover Municipal Court Clerk.* Amend RSA 502:17 as amended by 1957, 17:1 and 1957, 108 by inserting before the words

On motion of Senator Karkavelas, the reading of the amendments was dispensed with and the Senate voted to concur in the adoption of the amendments.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 49, An Act relative to the industrial park authority.

SB 126, An Act pertaining to new positions and reclassification of positions in the classified service.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 192, An Act relative to acquisition of recreational area in Monadnock area.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following: 5. *Appropriation.* The unexpended balance of the appropriation of \$250,000 for acquisition of land and improvements thereon at Spofford Lake as provided by section 2, chapter 337, Laws of 1955, is made available and may be expended for the acquisition of lands and improvement thereon at the recreational site in the Monadnock region as acquired under the authority of this act. This site

in the Monadnock region is acquired under the authority of this act. This unexpended balance shall be a continuing appropriation and shall not lapse.

On motion of Senator Rhodes, the Senate voted to non-concur in the adoption of the amendment and requested that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Rhodes and Rogers.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 174, An Act relative to use of funds held by the trustees of the Boscawen Academy in Boscawen.

Amend section 1 of the bill by striking out the word "education" in the eighth line and inserting in place thereof the word, schools, and by adding at the end of said section the words, the trustees shall report fully on an annual basis to the selectmen to the school board of Boscawen and their report shall be printed annually in the Boscawen Town Report, so that said section as amended shall read as follows:

1. *Boscawen Academy.* Amend section 2 of chapter 144 of the Laws of 1872, which act was in amendment of the charter of the Trustees of the Boscawen Academy in Boscawen, by striking out said section and inserting in place thereof the following: Sect. 2. The proceeds of such sale shall be securely invested in such securities and in such a manner as the majority of said board of trustees may direct, and the annual income thereof shall be applied under the direction of said trustees for the support of schools in Boscawen School District. The trustees shall report fully on an annual basis to the selectmen to the school board of Boscawen and their report shall be printed annually in the Boscawen Town Report.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland:

"Mr. President, this bill was a bill that was heard by the Committee on Ways and Means involving a fund in Boscawen.

The House simply added that the trustees were to report annually in the town report. I move that the Senate concur in the adoption of the amendment."

On the above motion, the Senate voted in the affirmative.

The House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

### **Concurrent Resolution**

concerning the establishment of a zoo at Mount Sunapee State Park.

*Whereas*, there seems to be a growing need for more entertainment for children in the State Parks of New Hampshire, and

*Whereas*, Lake Sunapee State Park would seem to be an ideal spot for the establishment of a zoo, therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

That the Governor and Council appoint a committee of five citizens of the state of New Hampshire to examine into the feasibility of establishing a zoo at Mount Sunapee State Park. Said committee shall serve without pay and shall report their findings upon the subject to the next session of the general court.

On motion of Senator Rainie, consideration of the above Concurrent Resolution was made a Special Order of Business for tomorrow morning, July 11, at 11:01 o'clock.

The President inquired of Senators Rogers and Humphreys if they desired a short recess, due to the activity in that corner of the Senate Chamber.

Senator Rogers replied:

"Mr. President, the question has arisen as to why HB 388, An Act establishing the New Hampshire State Port Authority, was referred to the Joint Committee of Public Works and Finance, rather than to the Joint Committee of Judiciary and Finance as had been previously contemplated."

The Chair stated that "the only reason the change was made in committee reference was due to the fact that the Committee on Public Works had no work, and this would perhaps

take some of the work load from the Judiciary Committee. The Chair did not intend to show any partiality."

Senator Cleveland:

"I wish to inform the Chair that the Judiciary Committee is completely caught up on its work. We have only one bill which is being held for the time being."

Senator Humphreys:

"I just wondered if there was any possibility of changing this committee reference?"

The Chair replied that he had no objection, if Senator Cleveland was willing.

Senator Cleveland requested a one minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

On motion of Senator Cleveland, the order whereby the above entitled bill was referred to the Joint Committee of Public Works and Finance was vacated and the bill was referred to the joint committee composed of a special committee (composed of Senators Rogers, Merrill and Humphreys) and the Committee on Finance.

### Committee Reports

SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank. Report of the Committee on Banks and Insurance (Senator Rogers) : Ought to pass.

Senator Anderson:

"Mr. President, this bill refers to the Siwooganock Guaranty Savings Bank which was organized in 1877, I believe. Like all the old charters, it is out of date with present day times. Under this old charter, they cannot spend over \$25,000 for their own building. All this bill does is to bring them in line with the present laws in regard to the savings banks of the State of New Hampshire. The bank commissioner is in favor."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.



SB 176, An Act relative to examination by banks by bank commissioner. Report of the Committee on Banks and Insurance (Senator Rogers) : Ought to pass with amendment.

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1. *Joint Examination.* Amend RSA 383 by inserting after section 9 the following new section: 383:9-a. *Joint Examination.* The commissioner is authorized to arrange for a joint examination by his department and the Federal Deposit Insurance Corporation of those institutions which are members of the Federal Deposit Insurance Corporation in lieu of examinations exclusively by his department.

Renumber sections 3 and 4 to read 2 and 3.

Senator Anderson:

"Mr. President, the original bill would permit the acceptance by the bank commission of reports made by the FDIC and independent CPAs. It was found that this would be a problem. That is why we took CAP and left in FDIC."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 438, An Act relating to the Franklin police force. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass.

Senator Cleveland:

"Mr. President, the purpose of this bill is to give the City Council of Franklin the authority to hire their policemen and to give them tenure. At the present time, they have to be appointed every year and this has made it difficult to hire younger men."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 57, Joint Resolution in favor of A. Raymond Smith. Report of the Committee on Claims (Senator Lamontagne) : Ought to pass:

Senator English:

"Mr. President, this is a case where the owner of a truck, A. Raymond Smith, had his truck stolen by three boy inmates of the Laconia School. They took the truck a short distance

from the School and it broke down. Either through accident or intent, the whole cab of the truck was set on fire. The total damage was found to be \$164."

The joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 59, Joint Resolution in favor of George Lindh and Odd Koppang. Report of the Committee on Claims (Senator Lamontagne: Ought to pass.

Senator English:

"Mr. President, this joint resolution is in two parts. The first is a claim by George Lindh. His car was damaged by a National Guard truck with defective brakes. The National Guard admitted its truck to be defective. Representative Green appeared in favor of this claim for \$86.46. The second is a claim of Odd Koppang. His car was crossing a plank bridge when one of the planks flipped up and damaged the rear end of his car to the extent of \$47.97. The Highway Department admitted fault."

Senator Hodgdon inquired of Senator English:

"Are these claims being paid out of general funds?"

Senator English replied:

"In the second case, the claim will be paid out of highway funds. In the first case, general funds."

The joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 1, Joint Resolution in favor of Norman Purinton. Report of the Committee on Claims (Senator Lamontagne): Inexpedient to legislate.

Senator English:

"Mr. President, this has to do with a well. Mr. Purinton alleged that in connection with highway construction certain seepage got into his well and destroyed its usefulness. The committee went into this matter very thoroughly. The claim was opposed by the highway department. Two members of the committee actually went down and looked at the well. After considering all factors involved, the committee felt that it was inexpedient to legislate."

Senator Packard asked Senator English for more detailed information as to why this was not a proper claim.

Senator English:

"The basis was that the seepage was not caused by the highway construction. It was due to the location of the well and had nothing to do with the highway construction. A chemical analysis was made and the pollution found there was found to be animal pollution from his own farm. Also, an element appeared which did not appear to be caused in any way by the construction."

Senator Rhodes:

"I might say, I don't know why the well happened to be located where it was. It was just off the highway. On the man's property."

Senator Daniel inquired of Senator English:

"Was that well on state property?"

Senator English:

"On private property"

On a *viva voce* vote, the recommendation of the committee, inexpedient to legislate, was adopted.

HJR 61, Joint Resolution in favor of William L. Shearer, III, and Ralph W. Kelley. Report of the Committee on Claims (Senator Lamontagne) : Ought to pass with amendment.

Amend the title of said joint resolution by striking out the same and inserting in place thereof the following:

Joint Resolution in favor of William L. Shearer, III, Ralph W. Kelley and Louis Blatt.

Amend said joint resolution by adding at the end thereof the following paragraphs:

That the sum of \$255.68 is hereby appropriated to reimburse Mr. Louis Blatt for the amount of interest and dividends taxes erroneously collected by the state in the year 1955. The Governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The state tax commission shall withhold from the distribution of the interest and dividends taxes for the year 1957 to the town of Hebron the sum of \$255.68 which shall be paid into the general funds of the state, so that said joint resolution as amended shall read as follows:

That the sum of \$3,067.72 is hereby appropriated to reimburse William L. Shearer, III, for the amount of interest and dividends taxes erroneously collected by the state in the years of 1952 (\$691.28), 1953 (\$799.04), 1954 (\$592.18) and 1955 (\$985.22); and the sum of \$22.73 to Ralph W. Kelley for the years 1952, 1953 and 1954. The governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated. The state tax commission shall withhold from the distribution of the interest and dividend taxes for the year 1957 to the town of Jaffrey the sum of \$3,067.72 and from the interest and dividend taxes for the year 1957 to the town of Hampstead the sum of \$22.73.

That the sum of \$255.68 is hereby appropriated to reimburse Mr. Louis Blatt for the amount of interest and dividends taxes erroneously collected by the state in the year 1955. The Governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The state tax commission shall withhold from the distribution of the interest and dividends taxes for the year 1957 to the town of Hebron the sum of \$255.68 which shall be paid into the general funds of the state.

On motion of Senator English, the reading of the amendment was dispensed with.

Senator English:

"Mr. President, William Shearer, III, of Jaffrey paid interest and dividend taxes over a series of years on rents received. This is not taxable and the amount of \$3,067.62 should be refunded. The Tax Commission, in this and the subsequent two cases, agreed that the taxes had been paid in error. Ralph Kelley under similar circumstances is to be refunded \$22.73. The committee offered an amendment in favor of Louis Blatt, a similar case where interest and dividend taxes had been paid in error. In his case, it was the inclusion of capital gains."

The amendment was adopted, and the joint resolution as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 420, An Act to promote the safety of the public in the

use and operation of cable and rope devices for uphill transportation of passengers. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass.

The President referred the above entitled bill to the Committee on Finance, under the rules.

**Special Order of Business — 11:01 O'Clock**

Senator Rhodes called for the Special Order.

Being consideration of Concurrent Resolution with respect to the poultry industry.

Senator Rhodes:

“Mr. President, as long as the co-sponsor of this Concurrent Resolution is absent today, I will move that it be made a Special Order of Business for tomorrow at 11:02 o'clock.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal. Senator Cleveland stated that this is due to an error in the committee — report should have been in yesterday's Journal.

SB 209, An Act relating to deputy clerks of court. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend the title of said bill by adding at the end thereof the words, and sheriffs' services, so that said title as amended shall read as follows:

An Act relating to deputy clerks of court and sheriffs' services.

Amend said bill by inserting after section 1 the following new section:

2. *Sheriffs' Services, Allowed by Court, How.* Amend RSA 104 by striking out section 20 and substituting in place thereof the following:

20. *Monthly Account.* Each sheriff shall monthly submit to the superior court for his county a statement in detail of all services of himself or of his deputies for which the

county is chargeable, and such amount shall be allowed thereon as is just. No such charge shall be allowed unless presented within one year after the service was performed.

Further amend said bill by renumbering section 2 to read section 3.

Senator Cleveland:

"Mr. President, the underlying bill has already been discussed. It was discussed last Wednesday and then put over to yesterday. It gives the judges the authority to appoint a deputy clerk. The judges wanted to have it spelled out in the law that they are authorized to approve certain sheriffs' charges not spelled out in the law. If the sheriff goes to court, the matter of the amount of his pay is spelled out, but in certain cases, such as aid in drowning, etc. there is no provision for their approving payment of same. It appears that the judges legally do not have that authority and that is what this amendment does. This amendment is the one that the judges have asked for — the authority to approve sheriffs' expenditures not clearly spelled out in the law."

Senator Merrill presiding.

Senator Rainie:

"Mr. President, I would like to ask Senator Cleveland a question — I am interested in the last sentence — unless presented within one year after services performed. Is that not a rather lengthy period of time?"

Senator Cleveland:

"I would almost think you were right. I was surprised at this myself. But it may be that in small towns the sheriffs there may not total up their bills only once a year. I am agreeable to its being amended, if you wish."

Senator Rainie:

"Mr. President, I offer the following amendment to the amendment:

Amend the amendment by substituting for the words 'one year' in the last sentence, the words, sixty days."

Senator English:

"In view of the fact that it was stated as one year, perhaps the amendment could be amended to read 'except in

exceptional circumstances' which would take care of a case of illness, etc. that might have caused the delay otherwise this would tie their hands."

Senator Rainie:

"I would say that as soon as an exception is made, it is in order for the door to be opened wider. I would prefer something definite. I would ask Senator Cleveland what his thoughts would be on this."

Senator Ferguson:

"On the question of the amendment — I am opposed to it. I would ask Senator Cleveland if ever having been a member of the County Convention he realizes the implications in not only this amendment but in the bill — it is throwing the door wide open to expenditures of County money without any restriction whatever on it by the people who pay the bills."

Senator Cleveland:

"This is what they have been doing for 50 years and I haven't heard any squawks about it. If you wish to amend this to have the County Commissioner issue these checks, that is OK by me. All I know is that they have to get paid. I will not oppose an amendment that gives somebody else the authority to certify these payments to the sheriffs."

Senator Ferguson:

"I would move that the words inexpedient to legislate be substituted for ought to pass with amendment. This has not been going on for 50 years or even 1 year. As far as the amendment is concerned, the sheriff has always been able to collect from the County money that he rightfully had to expend in the performance of his duties. This simply takes it out of the hands of the County delegation to put a limit as to what the sheriffs' expenses shall be. It has been the experience in Merrimack County that more money had been spent than was necessary. There has been no question of paying it, if the money was authorized. I see no necessity for the appointment of a deputy clerk or the taking out of the hands of the County delegation the payment of sheriff's expenses or fees. If agreeable to Senator Cleveland, I think it would be advisable to send this back to the Judiciary Committee in order that something may be worked out, whereby the executive committee of the

County would have something to say about the spending of money out of County funds.”

Senator Holmes:

“I am not arguing one way or another. I have asked this same question as Senator Ferguson has said. Was not this item in the County budget, and would it make any difference. I was told no. I am willing to have this sent back to the committee.”

Senator Rainie:

“Senator Ferguson, would you tell me the procedure in Merrimack County with which you are familiar. I had the idea that this passed through the Clerk’s hands.”

Senator Ferguson:

“You are quite correct. He does have to have the authority from the judge. I am casting no reflections on the honesty of our judges, but in many cases, they are too busy to know all that is going on. Many feel that when they have completed their duties on the bench, they have completed their duties, and they leave all this up to the clerk. I believe we should consider this thoroughly before opening the door wider.”

Senator Rainie:

“I would move that this bill be recommitted.”

Senator Cleveland:

“I am opposed to that motion. The committee has considered this bill. I am not going to do it.”

Senator Paquette:

“I move that this bill be made a Special Order of Business for tomorrow at 11:03 o’clock.

Senator Rainie withdrew his motion for recommitment.

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

On motion of Senator Ferguson, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills and Joint Resolutions

The following bills and joint resolutions were read a third time, and passed:



SB 176, An Act relative to examination of banks by bank commissioner.

SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank.

HB 438, An Act relating to the Franklin police force.

HJR 57, Joint Resolution in favor of A. Raymond Smith.

HJR 59, Joint Resolution in favor of George Lindh and Odd Koppang.

HJR 61, Joint Resolution in favor of William L. Shearer, III, and Ralph W. Kelley and Louis Blatt.

On motion of Senator Holmes, the Senate adjourned at 12:32 o'clock.

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THURSDAY, JULY 11, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate, as the guest of Senator Horner, Mr. William F. Whitaker and son Danny of Keyport, New Jersey. Mr. Whitaker is vice president of Rickenbacker Transportation Corporation. Danny was the New Jersey Boys Statesman representing Monmouth County, held at Rutgers University.

### **House Message**

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 338, An Act to establish the city of Lebanon.

HB 335, An Act relative to the state's share of the school superintendents' salaries.

The House has voted to concur with the Honorable Senate in the passage of the following captioned joint resolution, sent down from the Honorable Senate:

SJR 8, Joint Resolution relative to interpretation of legislative intent on subversive activities.

The House has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bill, sent down from the Honorable Senate:

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires.

The Speaker has appointed as members of such committee on the part of the House, Messrs. Crosby of Hillsborough, Bigelow of Warner and Eastman of Kensington.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Honorable Senate:

SB 147, An Act relative to children acting as caddies or delivering newspapers.

1. *Employment of Children.* Amend RSA 276:1 by striking out said section and inserting in place thereof the following: 276:1. *Under 14.* No child under the age of fourteen shall be employed or permitted or suffered to work in any occupation except (1) domestic labor in the house of the employer or farm labor on the farm of the parent or guardian or (2) as a caddy at golf links, or (3) in the door to door delivery of newspapers, or (4) for work on church grounds and at religious meetings, in the employ of the religious organization.

Further amend said bill by inserting after section 1 the following new sections:

2. *Limitations.* Amend RSA 276:6 by inserting at the end thereof the following: and (3) that a boy twelve years old or over may be employed for work on church grounds and at religious meetings in the employ of the religious organization, so that said section as amended shall read as follows: 276:6. *Hours.* Except as provided in chapter 275 RSA, no minor under the age of sixteen years, shall be employed, or permitted or suffered to work at any gainful occupation, more than fifty-four hours in any one week, nor more than ten and one-quarter hours in any one day; nor before the hour of half-past six o'clock in the morning, nor after the hour of seven o'clock in the evening, except (1) that boys twelve years old or over may deliver newspapers after five o'clock in the morning or between four and eight o'clock in the evening, and (2) that a boy twelve years old or over may act as caddy at golf links, and (3) that a boy twelve years old or over may be employed for work on church grounds and at religious meet-

ings, in the employ of the religious organization. Provided further that during the summer school vacation period, such minor may be employed until 9:00 o'clock in the evening provided that such minor shall not work more than eight hours in any twenty-four hour period or more than forty-eight hours in any one week.

3. *Employment Certificates.* Amend RSA 276:7 by striking out said section and inserting in place thereof the following: 276:7. *When Required.* No child under sixteen years of age shall be employed or permitted or suffered to work, in, about or in connection with, any place or establishment, unless the person, firm, or corporation employing such child, procures and keeps on file and accessible to any truant officer, or other authorized inspector, an employment certificate as hereinafter prescribed. Provided, however, that the provisions hereof shall not apply to the employment of children under the age of sixteen years of age in farm labor, on the farm of the parent or guardian or domestic labor, or as a caddy at golf links or in the door to door delivery of newspapers or for work on church grounds and at religious meetings, in the employ of the religious organization.

Further amend said bill by renumbering section 2 to read section 4.

On motion of Senator O'Brien, the reading of the amendments was dispensed with.

On further motion of the same Senator, the Senate voted to non-concur in the adoption of the amendment and requested that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators O'Brien and Adams.

The House has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 20, Joint Resolution for appropriation for carrying out provisions of statute relative to regional agreements for educational facilities for New Hampshire residents.

**Introduction, First and Second Reading of House  
Joint Resolution**

HJR 20 to the Committee on Finance.

### Committee Reports

SB 194, An Act relative to political expenditures and contributions. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following :

1. *Repeal.* RSA 70:9 as amended by 1955, 273:1 relative to expenditures under two hundred dollars, is hereby repealed.

2. *Takes Effect.* This act shall take effect January 1, 1958.

Senator Cleveland :

"Mr. President, this amendment does what we wanted the bill to do. It is really a re-written draft of the bill. The purpose is simply to remove the requirements that when a Representative has spent under \$200, he has to file a financial report.

Usually they have no expenses. It has been a clerical job in the office of the Secretary of State. Many did not know of this requirement."

The amendment was adopted ,and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 429, An Act relative to election campaign receipts and expenditures. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass with amendment.

Senator Cleveland :

"I believe there may have been an error in the typing of the amendment to be proposed. Therefore, I will move that this bill with the accompanying report be laid upon the table and made a Special Order of Business for next Tuesday, July 16, at 11:01 o'clock."

On a *viva voce* vote, the motion carried.

HB 443, An Act to repeal charters of certain corporations. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass.

Senator Cleveland :

"Mr. President, this is a routine matter. Each session of the general court passes a bill revoking the charters of those corporations who have not kept up their payments and wish

to be dissolved. Any one of these corporations, is a mistake has been made, has 90 days after the passage of this bill to reinstate themselves."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 207, An Act relative to the sale of the Berlin armory. Report of the Committee on Finance (Senator Caron) : Ought to pass.

Senator Anderson:

"Mr. President, this bill authorizes the city of Berlin to enter into negotiation with the Governor and Council for the authorized sale of the Berlin armory. At the time the original armory was built, the city had given the land. Again, this has been done. In view of the fact that Berlin needs a new police station, it was felt that the city of Berlin should be given first chance on this sale."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 395, An Act relative to Belknap recreational area. Report of the Committee on Ways and Means (Senator Rainie) : Ought to pass.

Senator Rainie:

"Mr. President, there has been established under the control of the County Convention a Belknap County recreational area fund which is used to take care of the requirements of the recreational area in Belknap County. As passed in 1953, it stipulated that payments from this fund should only be made to the proper authority. That has been found to be very cumbersome and this bill provides that payment from this fund may be authorized by two-thirds of the members of the County Convention present and voting at a regularly called meeting. This does away with public hearing which takes time and adds nothing to the better control of the fund."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 422, An Act to amend the charter of the New Hampshire Antiquarian Society and the charter of the Keene Academy. Report of the Committee on Ways and Means (Senator Rainie) : Ought to pass.

Senator Rainie:

"Mr. President, these are two instances of the familiar situation which is created by the provisions of out of date legislation, where there is a limitation on the amount of property they may hold. In the first case, the limitation of \$2,500 — and the building there is worth more than \$40,000. In the second case, it provides for an increase in limitation to \$250,000 as I recall. This makes legal the increases in property now in existence. In the Hopkinton situation (the first mentioned) the limitation is \$25,000 and the insurance on the property might be affected by the fact of this limitation. This seems the logical way to protect these corporations."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 437, An Act relative to annual salaries of the Carroll county commissioners. Report of the Committee on Ways and Means (Senator Rainie): Ought to pass.

Senator Rainie:

"Mr. President, up to the present time, the county commissioners of Carroll county have been paid on a *per diem* basis — \$10 per day. The computation of what they have received in the past indicates that they have been getting about \$900 a year. This puts them on the basis of receiving about \$1,200. No opposition. County Delegation in the House unanimously for it. There seems to be no reason why the bill should not pass."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 445, An Act legalizing a certain budget hearing of the Carroll County Convention and budget meetings held pursuant thereto. Report of the Committee on Ways and Means (Senator Rainie): Ought to pass.

Senator Rainie:

"Mr. President, the only defect in procedure here was the failure to have the final notice published three days before the meeting of the Convention. It was published only one day before. This would legalize the meeting held under those circumstances."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 382, An Act relative to registers to be kept of guests at camps. Report of the Committee on Ways and Means (Senator Rainie) : Ought to pass.

Senator Rogers :

“Mr. President, I offer the following amendment and move that the reading of the amendment be dispensed with. The original bill, which was introduced in the House and at the suggestion of the Attorney general, provides that owners of hotels, tourist camps, motels, public lodging places and camps should keep a register giving name, address, time of arrival and time of departure of his guests. The House amended that to include car registration, if any. This amendment strikes out those words adopted in the House which were not in the original bill.”

Amend section 1 of said bill by striking out the words, motor vehicle registration number, if any, in line 7 so that said section as amended shall read as follows :

1. *Hotels, Motels, Cabins and Camps.* Amend RSA 353:3 by striking out said section and inserting in place thereof the following: 353:3 *Registers, Open to Inspections.* All hotel keepers and all persons operating or keeping public lodging houses, cabins or camps, where for a consideration guests transient or otherwise are lodged and furnished accommodations and facilities for a stay of one day or more, shall keep a register which shall show the name, residence, date of arrival and departure of his guests. Said register shall be at all times be open to the inspection of the sheriff or his deputies and to any police officer. Each such register shall be kept for a period of three years. The term “public lodging house” as herein used shall mean a lodging house where more than two rooms are habitually let for less than a week at a time for the accommodation of transient. The term “camps” as used herein shall not include camps kept exclusively for minor children and nothing herein shall be construed to require the keeping of such a register by an owner of cottages kept for hire. Whoever violates any provisions of this section shall be fined not more than twenty dollars or be imprisoned not more than thirty days.

On a *viva voce* vote, the reading of the amendment was dispensed with.

Senator Rogers:

"Mr. President, I would have no objection to having this amendment printed in the Journal. The only words that are changed are those words that are deleted that would provide the car registration, if any. At the hearing, there were representatives of the hotel association who pointed out that hotels generally do not ask for car registration number. Ordinarily, they do not know whether a guest arrives by car, railroad or plane. If the bill as amended should pass in here, New Hampshire would be the only state in the union that would require hotels to ask their guests to fill out the car registration for his car. The penalty would be \$20. Obviously, this would be a nuisance, and nothing but a nuisance. It would add nothing. In the event that the owner of a car did not wish to give this information, he could give a false number or answer no to the question of having a car. I hope the Senate will go along with this as I do not believe that the general court should pass legislation that does not serve some useful purpose."

Senator Daniel stated that he agreed with the remarks of Senator Rogers.

Senate Rainie:

"Mr. President, I felt that this might be of some help. I feel that it would be little nuisance to ask a man what the registration was. However, I feel that it is nothing to fight over and therefore, I have no objection."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 23, An Act relative to open season for taking wild deer. Report of the Majority of the Committee: Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Wild Deer*. Amend RSA 208:2 (supp) as amended by 1955, 264:1 by striking out said section and inserting in place thereof the following: 208:2 *Taking; Time*. I. Wild deer, outside game preserves, may be hunted and taken from sunrise on the 1st day of November to sunset on the fifteenth day of December throughout the state.

2. *Special Conditions*. Provided, further, that in the event of unfavorable climatic conditions resulting from heavy



snows in the northerly sections of the state the director of fish and game, with the approval of the fish and game commission, is hereby authorized to close to all hunting and taking of wild deer such sectors as he shall deem in the best interests of preservation of the deer herd.

3. *Takes Effect.* This act shall take effect sixty days after its passage.

SB 23, An Act relative to open season for taking wild deer. Report of the Minority of the Committee: Inexpedient to legislate.

The Chair stated that inasmuch as this committee report did not appear in the Journal received today, this motion would require the suspension of the rules of the Senate, even though the committee report had appeared in the Journal of a few days ago.

On motion of Senator Rhodes, the rules of the Senate were so far suspended as to permit the introduction of a committee report not advertised in the Calendar of today.

Senator Rhodes:

"Mr. President, first, I will explain the amendment. It is very simple. It simply changes the law to read, from November 1st to December 31st."

Senator Rhodes:

"Mr. President, I move that the report of the minority, Inexpedient to legislate, be substituted for that of the majority, Ought to pass with amendment. I am very sorry that I have to disagree with the majority of the Fish and Game Committee on this bill, but I feel that in all the years that I have served in the Legislature, this is the worst deer bill ever. I think it is unthinkable that we open the whole state of New Hampshire for one season for hunting deer. I realize that sportsmen in certain sections do have a problem. Those along the State line. This may solve their problem, but it will certainly make a problem for us. It is just impossible to pass this bill."

Senator Lamontagne moved that the bill be indefinitely postponed.

Senator Bennett:

"Mr. President, I do not intend to encumber the Senate upon this way of deer hunting. I rise in opposition to the motion of Senator Lamontagne. Primarily, because there is at least one Senator here who has an amendment to offer. Senator Hodgdon has an amendment to offer and I have an amendment to offer. I would therefore ask that this motion for indefinite postponement of the bill be withdrawn in order to act upon the pending amendment."

Senator Packard:

"Mr. President, I am not a fisherman or hunter, so I am not too familiar with this particular sport. I know that the sportsmen in the southern part of the state are violently opposed to any change in the hunting season. I believe this is the old Mason and Dixon line fight — the north and the south. The group in the southern part of the state are violently opposed. I am in support of the motion of Senator Lamontagne, and I do not think any prolonged argument will serve any useful purpose. I also know that Senator Bennett does have a problem there because I have visited his house. However, it is a question of pleasing a few or the majority of the population."

Senator English:

"Mr. President, I too must speak in favor of the motion to indefinitely postpone. It is quite clear that sportsmen's clubs, etc. are violently opposed to this bill."

Senator Holmes:

"Mr. President, I regret that the amendments were not heard and if the amendment makes any change in the southern part in having hunting before December 1st, I could not support it. But if the amendment was to have one season for the entire State, I could support it. Other than that, I could not support it. In the southern part of the State where I live, you might as well be on 42nd Street on the morning of the opening day of the hunting season. We just simply cannot have an early hunting season in the southern part of the state."

Senator Hodgdon suggested the following amendment:

The season for hunting deer in Coos, Grafton and Carroll

counties shall be from November 1st to December 31st. The rest of the State, from November 20 to December 15.

“This would give 10 days in which to have the State open at one time. I would like to have an opportunity to vote on this amendment, and would therefore oppose the motion to indefinitely postpone.”

Senator Caron:

“Mr. President, I support the motion of Senator Lamontagne. In Manchester, I have had several calls — they are very much in accord with the law as it is today.”

Senator Adams:

“Mr. President, I think that the facts of the matter are that there is no possibility of changing the weather pattern in New Hampshire. As long as you cannot do this, you are going to have two seasons for the deer line. The people in my District are not going to be hunting in November. I think that we can stand here and argue about where the deer line is going until Christmas and we would still be here. Wherever the line is — there will be violent objection. It is ridiculous for us to attempt to change this. I am in support of the motion of Senator Lamontagne.”

Senator Lamontagne:

“Mr. President, the reason that I made this motion is because I believe it would save the Senate some time. If this amendment is passed, then back to the House, and it would involve a lot of time. By the time we passed this here, the House will kill it. That is my reason for the motion.”

Senator Rogers inquired of Senator Rhodes:

“Do you know of any amendment that is going to be introduced on this bill that has any reasonable chance of passage if it is returned to the House?”

Senator Rhodes:

“No. I do not believe that any amendment will pass the House. I feel very strongly about this matter.”

Senator Rogers:

“I will speak briefly. I do not favor a one season for the entire State. I thought the idea in the House was pretty good, but it did not pass the House. I would still like to hear any

reasonable amendment that might be offered. Something that would be of benefit to people along the line.”

The Chair stated “should this motion to indefinitely postpone be defeated, the question would then be on the motion to substitute. If that motion was defeated, question would then be on the adoption of the amendment which has nothing to do with the establishing of a line in New Hampshire.”

Question being on the motion to indefinitely postpone.

On this motion, Senator Bennett requested a division.

Twelve Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, the motion carried, and the bill was indefinitely postponed.

SB 169, An Act relative to strikes and arbitration in public employment. Report of a Majority of the Committee on Labor. Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to arbitration for firemen and teachers in the city of Manchester.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Definitions.* A. The term “commissioner” shall mean the commissioner of labor or his deputy.

B. The term “public employee” shall only mean the firemen and teachers of the city of Manchester.

C. The term “public employer” shall mean the city of Manchester, commission, board, or any other branch of the public service, including the finance commission of the city of Manchester.

2. *Right to Organize and Bargain Collectively.* Public employees shall have the right to organize and bargain collectively through representatives of their own choosing. No public employer shall deny or in any way interfere with the right of its employees to join, organize, or assist in organizing the labor organization of their choice.

3. *Demand for Modification.* Not earlier than 150 days and not later than 90 days prior to the date upon which budget

requests are to be submitted to that person or group of persons whose function is to finally approve the proposed expenditure of public funds for the next fiscal period of the governmental unit, public employees or the public employer may notify the other party in writing of its demand that, for the next following appropriation period, the wage rates, ranges of pay or conditions of employment should be modified. If, after notice of demand for modification no agreement and approval is obtained, the party making the demand may, not less than twenty days nor more than forty days after demand is made, notify the commissioner in writing of its desire to arbitrate its demand. Public employees or the public employer may give notice of demand to modify in accordance with the provisions of section 6 relative to publication and display of the notice of hearing.

4. *Board of Arbitration and Conciliation.* Upon receipt by the commissioner of the notice of desire to arbitrate said dispute shall be submitted the board of arbitration and conciliation and file such designation within five days of the date of receipt of such notice of desire to arbitrate with the commissioners; the two persons so designated shall choose one person and shall file such designation within ten days of receipt of such notice of desire to arbitrate with the commissioner. Should either party fail to designate in writing a person to serve as arbitrator within two days after the termination of the five-day period. Should the persons designated by the parties, or the person designated by one party and the person designated by the commissioner in default of designation by one party fail to choose a third arbitrator and file such written designation within the ten-day period, then the commissioner shall designate such third arbitrator within two days after the termination of the ten-day period. Such board shall elect one of its members as chairman thereof.

5. *Hearings: Power.* The chairman of the board of arbitration shall set a time and place for hearing which shall be open to the public and give at least ten days' notice thereof under the provisions of section 6. At such hearing full consideration shall be given to all evidence which may be presented, and within ten days thereafter said board of arbitration shall make its decision which shall be published according to the provisions of section 6. The board of arbitration shall have

power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records and other evidence relative to any matters under investigation. Such subpoena shall be served in the same manner as if issued out of the Superior Court.

6. *Notice of Hearings.* The commissioner shall cause to be published an appropriate notice of hearing relating to firemen, teachers, in a newspaper of general circulation in the city of Manchester. The commissioner shall forthwith upon receipt of the decision of the board of arbitration cause such decision to be published, on not less than two succeeding days in the same newspaper in which the notice of hearing was published. The commissioner shall also cause the notice of hearing and the decision of the board of arbitration to be displayed in one or more public places in the city of Manchester, for newspaper publication.

7. *Decision to be Final.* The decision shall be final and binding upon that person or group of persons whose function is to finally approve the proposed expenditure of public funds for the next fiscal period of the respective governmental unit until such time as a demand for modification may be made under the provision of section 3 for the next appropriations period and the decision shall be specifically enforceable by action brought in the superior court. There shall be no right of appeal from a decision of the board of arbitration.

8. *Fees and Expenses.* Fees and necessary expenses of the arbitrators shall be borne by the public employees and the respective governmental employer.

9. *Separability.* If any provision of this chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remaining provision of this chapter and the applications of such provision to other persons or circumstances, other than these to which it is held invalid, shall not be affected thereby.

10. *Repeal.* All acts and parts of acts in conflict with the provisions of this chapter are repealed.

11. *Takes Effect.* This act shall take effect sixty days after its passage.

Report of a Minority of the Committee on Labor, Inexpedient to legislate.

The Chair stated that he would rule that the amendment should have been printed in the Journal, inasmuch as it redrafts the bill and changes the title of the bill, suggested that the matter be made a Special Order of Business for next Tuesday.

Senator Adams:

"Mr. President, I rise in protest of the ruling of the Chair. Last week when this amendment was drafted and presented to the committee, I took the proposed amendment to the Clerk and asked him to have it printed as a proposed amendment to this bill. For some reason, oversight or something, it did not get printed. That is no fault of the committee and it must be obvious here that this is a Manchester proposition. It has to go to the Manchester delegation in the House. The more we delay this, the longer we are going to be here in session. I see no reason for having it printed and made a Special Order later on. It is the same bill. It simply covers the firemen and teachers in Manchester. It is a Manchester matter and must be considered by the Manchester delegation in the House. I would hope that we might take action today. I would ask the President the reasons for his ruling. The Manchester delegation in the Senate has already been advised of the contents of the amendment to this bill. They are fully aware of what it does. We have held a hearing on the amendment. I don't see what else we can do with it here."

The Chair stated that he "would sustain his ruling because in spite of what Senator Adams has said about the amendment being printed in the Journal and the fact that it was not printed in the Journal, did not alter the case. This is the first time that the Chair has seen this amendment. A delay of two days is not sufficient reason enough, in the mind of the President of the Senate, that the Senate not be given an opportunity to read it."

Senator Adams:

"Under what rule does the Chair base his requirement of the printing in the Journal?"

The President stated:

“Senator Adams has a perfect right and privilege to ask for the reasons in the ruling of the Chair. I said that this should be considered as a new bill. As far as the Chair can see, it is a brand new bill. You changed the title and struck out all of the bill and inserted a new bill. In order to expedite matters and not have the bill printed and introduced, the Chair ruled that it should be printed in the Journal and made a Special Order of Business for next Tuesday.”

Senator Adams:

“I do not need to tell you that this is entirely of interest to the Manchester delegation here. They all know what has been done and they are all satisfied with it. There will be a delay in the House, etc. Certainly, I am not trying to put anything over on anybody.”

Senator Bennett:

“I wish to speak in strong support of the Chair’s ruling on this bill. I am the only member of the committee to sign the minority report. I think that every member should have an opportunity to carefully examine this bill in its entirety. The only way is to have it printed in the Journal.”

Senator Rainie:

“I think that Senator Adams is laboring under a delusion in thinking that Manchester can be isolated away from the rest of the State. Surely, I support the ruling of the Chair. I believe that everybody here has a right to know what is being voted on here, and not just the Manchester members. Anything else is contrary to our rules.”

Senator Caron:

“The Manchester delegation is all in accord with this bill. When we had our labor hearing the other day, I came down after the hearing, and Senator Bennett was sitting right where he is now. I asked him about coming to the hearing and he did not reply. He hemmed and hawed and said absolutely nothing. When I got home about 11:00 o’clock last night, I found that he had signed the minority report. I do not believe that Manchester is isolating itself. You all know how the members from Manchester feel.”

Senator Packard:

“Speaking on the President’s ruling. As you all know, I



have questioned the ruling of the Chair in many cases, but did not bring it onto the floor. This is an amendment from the Committee on Labor. I do not know of any rule in the book whereby the President can sit up there and make the rules. This amendment has nothing to do with any other place in the State — just Manchester. It is almost identical to the bill. Two sections have been removed. At the hearings, the thoughts were unanimous. I would ask the Senate to overthrow the ruling.”

Senator Cleveland:

“I wish to speak in support of the ruling. It is the right of Senator Packard to question a ruling and the Senate may decide whether the ruling is proper or not. Before the member of this Senate vote, they should have some idea of what this bill does. This is all hearsay to me, because as I understand the bill, it does involve only Manchester, but the problem concerns the whole state. What this bill proposed to do is whereby the school board, the board of mayor and aldermen, and the finance commission can be by-passed. If I were a taxpayer in the city of Manchester, I would want to see publicity about this in the papers. I would want to find out what the school board thought about it; what the aldermen thought about it; and what the finance commission thought about it. I do not think it is unreasonable to have this laid over for one day, have the matter printed in the Journal and the press will print it so that the citizens of Manchester will know all about it. We have already passed legislation saying that the matter of wages will be set by the finance commission of the city. I think this is of sufficient importance that the ruling of the Chair should be upheld.”

Senator Adams:

“You apparently have not read either the amendment of the bill. As long as you have been in the Senate, have you ever heard the ruling that an amendment be printed and made a Special Order of Business?”

Senator Cleveland:

“That was not in new draft.”

Senator Adams:

“This is not a new bill. It is an amendment.”

Senator Cleveland:

"A rose by any other name smells just as sweet. I am reading from your own amendment — I call that a new bill."

Senator Adams:

"That is a committee amendment, as you well know. It is certainly not a bill in new draft."

(Discussion ensued)

Senator Lamontagne spoke in favor of the passage, stating the delegation in the House would be taking action on it anyway.

The Chair stated:

"The question is, shall the Chair be upheld in his ruling that this bill shall be printed in the Journal and made a Special Order of Business for next Tuesday morning."

Senator Adams requested a division.

Senator Packard:

"I question the ruling of the Chair for one purpose, and one purpose only, I want to know under what ruling the Chair has made this ruling. I cannot find any."

The Chair stated:

"The Chair clearly states that there is no rule covering this situation. The Chair made it in the interest of good government and proper procedure."

Senator Bennett demanded a roll call.

Senator Adams requested a short recess.

The Chair refused the request.

Senator Caron demanded a roll call on the refusal of the Chair, to grant the recess.

Senator DeLude:

"I would like to support the motion of Senator Adams for a recess."

Senator Caron:

"Mr. President, I certainly do request this. I believe it is only common courtesy to grant this request."

The Chair declared a two minute recess.

(Recess)

The Senate re-assembled.

The Chair stated:

"The Chair has made a ruling that in his opinion SB 169 with accompanying material should appear in today's Journal and made a Special Order of Business for next Tuesday. Senator Adams has demanded a roll call on the question of whether the ruling of the Chair shall be upheld."

On previous motion of Senator Bennett, the Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hodgdon, Bennett, Rogers, Cleveland, Anderson, English, Holmes, Rainie and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, DeLude, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

Nine Senators having voted in the affirmative and thirteen Senators having voted in the negative, the negative prevailed, the motion was lost, and the ruling of the Chair was overthrown.

Question now being on the adoption of the amendment submitted by the Committee on Labor.

Senator Rainie:

"I move that in view of the length of the amendment and the differences in opinion on the subject matter that this be made a Special Order of Business for next Tuesday at 11:01 o'clock."

Senator Adams spoke in opposition to the motion.

Question being on the motion of Senator Rainie for Special Order.

Senator Adams requested a division.

Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hodgdon, Bennett, Rogers, Cleveland, Anderson, English, Holmes, Rainie and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, DeLude, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

Nine Senators having voted in the affirmative and thirteen

Senators having voted in the negative, the negative prevailed, and the motion for Special Order was lost.

Senator Cleveland:

"I move that when we adjourn today, we adjourn to meet tomorrow at 11:00 o'clock and wish to speak in favor of the motion. This SB 169 could be made a Special Order of Business for that time. I have spoken about the Senate meeting in session for four days and even five days. I see no reason why we should not start these sessions now."

Senator Packard:

"Mr. President, is it possible to make two motions and talk on only one?"

Senator Cleveland:

"I would hope that the Senate would go along with my motion.

Senator Bergeron spoke in opposition to the motion.

Senator Adams spoke in opposition to the motion.

Question being on the motion of Senator Cleveland.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

The Chair requested the Clerk to read the amendment.

On motion of Senator Rainie, the reading of the amendment was dispensed with, a recess of 30 minutes was granted to enable the Senate stenographers to prepare copies of the amendment for the entire Senate.

(Recess)

The Senate re-assembled.

Question being on the adoption of the amendment.

Senator Bennett moved that the report of the minority, Inexpedient to legislate, be substituted for that of the majority, Ought to pass with amendment.

Senator Bennett spoke in favor of the motion.

Senator Karkavelas:

"Mr. President, I have gone over the amendment. As a City Councilman for the city of Dover, I do not think I can go along with anything like this. However, it is a matter for the Manchester people. I will vote for it so that it may go

to the House for the Manchester delegation to take care of it from there."

Senator Adams:

"I realize now what is happening here. Retaliation by Senator Bennett for my activity in the Lebanon bill. Against the motion to substitute."

Senator Lamontagne spoke against the motion to substitute.

Senator Paquette stated that Nashua did not have the problem that the people of Manchester have. Stated that he would go along with the bill.

Senator Packard:

"I am not at the moment speaking on the issue." (Reads from the interpretation of the supreme court ruling on the right to strike.)

Senator Daniel:

"I wish to speak in regard to this bill with the amendment. I wish to say that I have always supported bills for Manchester when in my heart I thought was the right thing. If this bill passes the Senate, it will go to the House. The Manchester delegation will hold a public hearing. The mayor and board of aldermen, members of the finance commission, the members of the school board, all may attend."

(Discussion ensued)

Senator Paquette moved the previous question. Seconded by Senator Lamontagne.

Question being: Shall the main question now be put?

The affirmative prevailed.

Question being on the motion of Senator Bennett that the words, inexpedient to legislate, be substituted for the words, ought to pass with amendment.

Senator Rainie requested a division.

Eight Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the motion was lost.

Question being on the adoption of the amendment offered by the Committee on Labor.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

Senator Bennett offered the following amendment:

Adding a new section to the bill:

Section 11. The provisions of this act shall not become effective without a majority vote approving the same by the Manchester City Board of Aldermen, the Manchester City School Board and the Manchester City Finance Commission.

Re-number section 11 to read as section 12.

Senator Bennett spoke in favor of the adoption of the amendment.

Senator Adams and Senator Packard spoke against the adoption of the amendment.

Senator Cleveland offered the following amendment to the amendment.

Amend the bill by adding a new section to the bill:

Section 11. The provisions of this act shall not become effective without a majority vote approving the same of the Manchester City Board of Aldermen, and the Manchester City School Board.

Re-number section 11 to read as section 12.

Question being on the adoption of the amendment to the amendment, offered by Senator Cleveland.

On a *viva voce* vote, the negative prevailed.

Senator Cleveland requested a division.

Six Senators having voted in the affirmative, and ten Senators voted in the negative, the amendment to the amendment was not adopted.

Question being on the adoption of the amendment offered by Senator Bennett.

On a *viva voce* vote, the negative prevailed.

Senator Cleveland demanded a roll call.

The following named Senators voted in the affirmative: Hodgdon, Bennett, Rogers, Cleveland, Anderson, Rhodes and Rainie.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, DeLude, Holmes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

Seven Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to take from the table the following entitled bill with the accompanying report for consideration at the present time.

HB 429, An Act relative to election campaign receipts and expenditures. Report of the Committee on Judiciary (Senator Humphreys) : Ought to pass with amendment.

Amend said bill by striking out section 2 of said bill and inserting in place thereof the following:

2. *Amounts Established.* Amend paragraph I of RSA 70:4 (supp) as inserted by 1955, 273:1, by striking out the same and inserting in place thereof the following:

I. By a candidate or in his behalf in a primary, a sum in excess of the following amounts:

(1) Governor, or presidential preference primary candidate, twenty-five thousand dollars.

(2) United States senator, twenty-five thousand dollars.

(3) Representative in congress, twelve thousand five hundred dollars.

(4) Delegate-at-large to party convention, five thousand dollars.

(5) District delegate to party convention, twenty-five hundred dollars.

(6) Alternate delegate-at-large to party convention, twelve hundred fifty dollars.

(7) Alternate district delegate to party convention, six hundred twenty-five dollars.

(8) Councillor, two thousand dollars.

(9) County officer or state senator, one thousand dollars.

(10) Representative to the general court, two hundred fifty dollars.

In determining whether a candidate has exceeded the sum fixed in this paragraph, no account shall be taken of the following items: The candidate's contribution to the state committee, his filing fee, or his expenditures for personal travel and subsistence expenses, or for services of his regular

employees in discharging duties of a public office. The sums fixed in this paragraph shall include all expenditures, contracts therefor, and use of contributions of money or things of value, tangible or intangible, by a candidate or by others, including political committees, in his behalf and with his knowledge during the period of time he or others in his behalf and with his knowledge seeks votes for him to and including the date of the primary.

On motion of Senator Cleveland, reading of the amendment was dispensed with.

Senator Cleveland:

"Mr. President, the amendment strikes out the second section of the bill as it came from the House and puts back on the exact status of the law as it is today with the exception that there is an addition to the exception from the total amount that a candidate can spend."

(Discussion ensued)

On a *viva voce* vote, the amendment was adopted.

Question being: Shall the bill as amended be ordered to a third reading.

(Discussion ensued)

On motion of Senator Humphreys, the above entitled bill with accompanying report was laid upon the table and made a Special Order of Business for next Tuesday morning at 11:01 o'clock.

### House Message

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 57, An Act providing for hearing in case of failure to renominate or re-elect a teacher.

Amend RSA 189:13-a as inserted by section 1 of the bill by striking out the word "three" in the third line and inserting in place thereof the word, one; further amend by inserting after the word "teacher" in the sixth line the words, who has taught for three or more years in the same school district and who has been, so that said section as amended shall read as follows:



189:13-a. *Failure to be Renominated or Re-elected.* Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before March 15 if he is not to be renominated or re-elected. A teacher who has taught for three or more years in the same school district and who has been so notified may request in writing within five days of receipt of said notice a hearing before the school board and may in said request ask for the reasons for failure to be renominated or re-elected and may further request that said hearing be public. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within fifteen days. At said hearing, the teacher and school board shall have the right to be represented by counsel. The school board shall issue its decision in writing within fifteen days of the close of the hearing.

On motion of Senator Holmes, the Senate voted to non-concur in the adoption of the amendment, and requested that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Holmes and DeLude.

### **Introduction of Senate Joint Resolution**

On motion of Senator Karkavelas, the rules of the Senate were so far suspended as to permit the introduction of a Senate joint resolution:

SJR 9, Joint Resolution relative to a study of water supply in the seacoast regions of the State.

### **Introduction, First and Second Reading of Senate Joint Resolution**

SJR 9 to the Committee on Judiciary.

### **Special Order of Business — 11:01 O'Clock**

Senator Rainie called for the Special Order.

Being consideration of Concurrent Resolution concerning the establishment of a zoo at Mount Sunapee State Park.

Question being on adoption.

Senator Rainie moved that the concurrent resolution be indefinitely postponed.

Senator Rainie spoke in favor of the motion.

(Discussion ensued)

Senator DeLude spoke against the motion.

Senator Rainie requested a division.

Three Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed and the motion was lost.

Question being on the adoption of the Concurrent Resolution.

On a *viva voce* vote, the Concurrent Resolution was adopted.

Senator Humphreys desired to be recorded as voting against the concurrent resolution.

#### **Special Order of Business — 11:02 O'Clock**

Senator Rhodes called for the Special Order.

Being consideration of concurrent resolution with respect to the poultry industry.

Question being on adoption.

Senators Rhodes and O'Brien spoke in favor of its adoption.

On a *viva voce* vote, the affirmative prevailed, and the concurrent resolution was adopted.

#### **Special Order of Business — 11:03 O'Clock**

Senator Cleveland called for the Special Order.

The question being on the adoption of the amendment offered by the Committee on Judiciary to SB 209, An Act relating to deputy clerks of court.

On motion of Senator Cleveland, consideration of the above was made a Special Order of Business for next Tuesday morning at 11:02 o'clock.

On motion of Senator Caron, the Senate went into afternoon session.

#### **Afternoon Session**

##### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

SB 169, An Act relative to arbitration for firemen and teachers in the city of Manchester.

Senator Bennett wished to be recorded as having voted against the passage of the above entitled bill.

On motion of Senator Adams, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

SB 194, An Act relative to political expenditures and contributions.

SB 207, An Act relative to the sale of the Berlin armory.

HB 382, An Act relative to registers to be kept of guests at camps.

HB 395, An Act relative to Belknap recreational area.

HB 422, An Act to amend the charter of the New Hampshire Antiquarian Society and the charter of the Keene Academy.

HB 437, An Act relative to annual salaries of the Carroll county commissioners.

HB 443, An Act to repeal charters of certain corporations.

HB 445, An Act legalizing a certain budget hearing of the Carroll county convention and budget meetings held pursuant thereto.

On motion of Senator Packard, the Senate adjourned at 3:35 o'clock to meet next Tuesday morning at 11:00 o'clock.

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TUESDAY, JULY 16, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate, as the guest of Senator Packard, Reverend W. F. Garrin of Tulsa, Oklahoma, Pastor in that city for 31 years.

As the guest of Senator English, Mr. C. J. Leonard of Dublin, who is interested in the preservation of the "Old Man of the Mountain."

**Communication**

Dear Mr. President:

I wish to thank the members of the Honorable Senate for the resolution of sympathy, which was adopted by them, at the time of my mother's passing.

This thoughtfulness meant a great deal to me and the members of my family and we are deeply grateful.

Sincerely yours,

ELIZABETH T. DWINELL.

July 14th.

Concord, N. H.

**House Message**

The House of Representatives has passed the following bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 34, Joint Resolution in favor of the Franconia Ski Club.

HJR 45, Joint Resolution relative to a survey of facilities at Echo Lake—Cathedral Ledge State Park in North Conway and surrounding area.

HB 124, An Act relative to motor vehicle driver training.

HB 444, An Act relative to a study of procedures for making up check lists.

HB 165, An Act to provide for state aid for nurses education.

**Introduction, First and Second Reading of House Bills and Joint Resolutions**

HJR 34 to the Committee on Finance.

HJR 45 to the Committee on Finance.

HB 124 to the Committee on Finance.

HB 165 to the Joint Committee on Finance and Education.

HB 444 to the Committee on Ways and Means.

**House Message (continued)**

The House has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bill:

SB 192, An Act relative to acquisition of recreational area in Monadnock area.

The Speaker has appointed as members of such committee on the part of the House, Messrs. Broadhurst of Franklin, Ballam of Walpole, and Pickett of Keene.

The House has voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

HB 373, An Act to provide for a farm registration for motor trucks and semi-trailers when used exclusively for farm purposes.

The House has voted to concur with the Honorable Senate in its amendments to the following joint resolution:

HJR 61, Joint Resolution in favor of William L. Shearer, III, Ralph W. Kelley and Louis Blatt.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 149, An Act relative to the appropriation of money at town meetings.

The House has voted to adopt the report of the Committee of Conference on:

SB 161, An Act relative to contracts for projects for the fish and game department and the recreation division of the forestry and recreation commission.

The Committee of Conference, to whom was referred Senate Bill No. 161, An Act relative to contracts for projects for the fish and game department, having considered the same, report as follows:

That the House recede from its position in adopting its amendment, that the Senate recede from its position of non-concurrence in the amendment proposed by the House and that the Senate and House concur in the adoption of the following amendments to the bill.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to contracts for projects for the fish and game department and the recreation division of the forestry and recreation commission.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Contracts for Fish and Game and Recreation Projects.* Amend RSA 228:4 by inserting after paragraph I of said section the following new paragraph: I-a. Notwithstanding the provisions of paragraph I projects for the fish and game department or for the recreation division of the forestry and recreation commission, in excess of ten thousand dollars and not more than fifty thousand dollars, may be done on a force account basis upon recommendation of the public works and highway commissioner that such procedure is in the best interests of the state, with the approval of the governor and council.

E. EVERETT RHODES,  
ELMER M. ANDERSON,

*Conferees on the Part of the Senate.*

KENNETH M. BISBEE,  
GUY J. FORTIER,  
JOHN PILLSBURY,

*Conferees on the Part of the House.*

### **Introduction, First and Second Reading of Senate Joint Resolution**

SJR 10, Joint Resolution relative to Mount Washington.

Introduced by Committee on Rules.

Referred to the Committee on Finance.

### **Committee Reports**

HB 268, An Act increasing the salary of the justice of the Rochester municipal court. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass with amendments.

An Act relative to salaries of justices of the municipal courts of Rochester, Derry and Exeter.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Dover Municipal Court.* Amend paragraph I of RSA 502:7 (supp) as amended by 1955, 133:1, 182:1, 279:1, 296:1, 1957, 66:1 1957, 83:1, 1957, 108:1, 1957, 125:1, 1957, 175:1, 1957, 209:1 and by acts relative to salaries of justices of Man-

chester and Dover municipal courts by striking out the words "In Rochester, one thousand two hundred dollars" and inserting in place thereof the words, In Rochester, one thousand eight hundred dollars" and inserting in place thereof the words, In Rochester, one thousand eight hundred dollars; by striking out the words, "In Derry, nine hundred dollars" and inserting in place thereof the words, In Derry, twelve hundred dollars, and by striking out the words, "In Exeter, eight hundred dollars" and inserting in place thereof the words, In Exeter, twelve hundred dollars, so that said paragraph as amended shall read as follows:

I. Salaries of justices of municipal courts shall be paid from the treasury of the city or town in which such courts are located, may be paid quarterly or monthly, and shall be in the following sums per annum:

- In Manchester, five thousand one hundred dollars;
- In Nashua, four thousand dollars;
- In Concord, three thousand five hundred dollars;
- In Portsmouth, three thousand dollars;
- In Dover, two thousand five hundred dollars;
- In Laconia, three thousand dollars;
- In Keene, two thousand five hundred dollars;
- In Claremont, two thousand three hundred dollars;
- In Berlin, twenty-two hundred dollars;
- In Rochester, one thousand eight hundred dollars;
- In Lebanon, one thousand five hundred dollars;
- In Newport, one thousand one hundred and fifty dollars;
- In Derry, twelve hundred dollars;
- In Franklin, one thousand two hundred dollars;
- In Exeter, twelve hundred dollars;
- In Somersworth, eight hundred dollars;
- In Littleton, eight hundred dollars;
- In Hampton, one thousand dollars;
- In Milford, six hundred dollars;
- In Haverhill, eight hundred dollars;
- In Salem, one thousand dollars.

On motion of Senator Rainie, the reading of the amendments was dispensed with.

Senator Rainie:

"Mr. President, this is a combination of practically all of the increases in the salaries of municipal court justices passed

at this session. What brought this to the attention of the Senate this morning was this — the Ways and Means Committee voted to increase the salaries of three justices: Exeter from \$800 to \$1200, Derry from \$900 to \$1200, and Rochester \$1200 to \$1800. I took these to Miss Alexander so that she might consolidate these three with those already in her hands and this is the bill that she has prepared. The salaries of these three justices should be increased.”

The amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 292, An Act relative to purchasing liability insurance at state recreation facilities. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill:

“Mr. President, this bill would allow the State Recreation Department to purchase liability insurance coverage on all state parks. At the present time, liability coverage is carried only at the Tramway and Mount Sunapee and only in a limited area in those two parks. They are carrying also property damage insurance on the Tramway and Mount Sunapee which is permitted under the law. However, the Recreation Department feels that in view of the fact that the State does not insure its buildings for fire and other hazards in other areas that it would be wiser to remove the requirements for property coverage and allow the Commission to carry liability insurance on all the parks. The matter of personal injury can involve unknown bills and property damage can be known. The cost of the property damage coverage runs about \$9,000 per year and over a year's expense of five or six years they have spent about \$40,000 in premiums and their losses have been \$5,800. In liability insurance, the costs at the Tramway and Mount Sunapee are \$5,900 a year. They estimate the cost of liability equal for all the parks, although at most of these parks, people pay an admission fee to enter. There is no appropriation necessary — the money in their budget would take care of this. However, we must change the law as it says they must carry property damage and they cannot increase their liability. The committee felt that it was wise to carry liability and not property.”

Senator Humphreys spoke against the passage of the bill and moved that action on this bill be indefinitely postponed.



Senator Rogers:

"Mr. President, this is a subject that I have not studied. I have only listened to the report of the committee and also to the objections made by Senator Humphreys. I am against the motion to indefinitely postpone. I think this is a subject that bears reasonable investigation. I would like to point out that the Forestry and Recreation Commission operates on a rather tight budget. I believe the Senate should know more about this."

Senator Adams and Senator Rainie spoke in opposition to the motion.

Senator Packard:

"Mr. President, I think that both of the sides have merit here. I would move that this matter be laid upon the table to take care of possible amendment."

On a *viva voce* vote, the negative prevailed, and the motion was lost.

Senator DeLude and Senator Daniel spoke in opposition to the motion.

Senator Merrill:

"Mr. President, I would like to make a motion. I move that we lay this on the table and make it a Special Order of Business for tomorrow at 11:01 o'clock. I agree with Senator Packard that there are two sides to this problem, both of which may have merit. Some of the other Senators possibly feel the same way, and would like to obtain more information before coming to a final conclusion."

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

HB 421, An Act making appropriation for the governor's legal counsel. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill:

"Mr. President, the governor's legal counsel has been working for nothing up to this point. We have had the bill in our committee for some little time. The committee at first felt that this was a little high. (\$8,000). However, the governor's legal counsel began work in December and in view of the fact that it might be August if we don't get out of here

pretty soon, the committee feels that this figure is not unreasonable. I have checked and I believe he is entitled to this amount."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 36, Joint Resolution for the protection of the Old Man of the Mountain. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill:

"Mr. President, this bill does not need any explanation. The title indicates its purpose. It is our understanding that the action of the elements on this natural phenomenon is causing considerable damage and unless it is checked in some manner there is a possibility that we might lose it. It seems to be worthwhile. This provides \$25,000. There was considerable discussion in the committee in regard to engineering experience involved. I am sure that Senator English would like to make some comment. The committee recommended passage of the bill."

Senator English:

"Mr. President, as the Chairman has stated this House joint resolution provides \$25,000 to strengthen the rock comprising the Old Man of the Mountain. The resolution does not indicate the method to be employed. My remarks are made with the idea of indicating legislative intent. The use of low expansion cement was suggested at the hearing. Since even low expansion cement does expand, later contraction could allow moisture to enter the crevices and permit further damage. It is, I believe, the thought of the committee that the Public Works Department consider all possible methods, including the use of rubber to seal off the crevice from moisture. At least one firm believes that it can by use of rubber prevent further damage to the Old Man."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 3:00 o'clock.

HB 300, An Act providing for a first-aid room in the State House. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill:

"Mr. President, this bill as you will remember was recalled from the governor's office, primarily because it did not provide an appropriation. At the time the committee recommended its passage originally, we were given to understand that there was enough money in the Health Department to provide the services of the nurse. In checking more carefully, we found that was not the case. In the budget bill, we have provided the necessary funds to take care of the first-aid room which is very desirable in the State House. The Health Department will pay for one year and six months and the Legislature will pay for the six months that it is in session. Possibly, it may not be a registered nurse. Perhaps a first-aid nurse."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 437, An Act relative to annual salaries of the Carroll county commissioners. Report of the Committee on Engrossed Bills (Senator Horner): Report the same under Joint Rule No. 6 with the following amendment, and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the figure "269:1" in the second line the word and figure, and 1957, 182:1.

Further amend section 1 of said bill by striking out the words "fifteen hundred" after the word "Cheshire" and inserting in place thereof the words, one thousand six hundred.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Takes Effect.* The provisions of section 1 relative to the salaries of the county commissioners of Cheshire county shall be effective as of August 16, 1957, otherwise this act shall take effect upon its passage.

On motion of Senator Rainie, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

HB 194, An Act abolishing the civil and criminal jurisdiction of justices of the peace. Report of the Committee on Engrossed Bills (Senator Horner): Report the same under Rule No. 6 with the following amendment, and recommend that the bill as amended ought to pass.

Amend section 33 of said bill by striking out said section and inserting in place thereof the following:

33. *Fees.* Amend RSA 516:16 as amended by 1957, 11:1 by striking out the word "justice" so that said section as amended shall read as follows: 516:16. *Attendance; Travel.* The fees of witnesses shall be: For each day's attendance before a municipal, superior or probate court or before all other legally constituted auditors, referees, magistrates or officials having the power to summon witnesses, five dollars, except as otherwise specially provided; for each mile's travel to and from the place of testifying, six cents; mileage to be allowed for each day's attendance where the witness is required to leave the town or city in which he resides to testify.

On motion of Senator Cleveland, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate bill and Senate joint resolution:

SB 13, An Act providing special fees for privately owned school buses.

SJR 6, Joint Resolution in favor of Charles F. Macey.

SJR 8, Joint Resolution relative to interpretation of legislative intent on subversive activities.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

### **Special Order of Business — at 11:01 O'Clock**

Senator Humphreys called for the Special Order of Business.

Question being: Shall the bill be ordered to a third reading in connection with:

HB 429, An Act relative to election campaign receipts and expenditures.

Senator Humphreys:

"Mr. President, the section of this bill that I was particularly interested in and had some reservation about was sec-

tion 1 which would eliminate from the law the provisions regarding political contributions and which would remove from the law the section that says no employee of the state or spouse or minor children shall contribute to a political campaign. The bill with the amendment in its final form would strike out that section thereby allowing political contributions from persons employed in the classified service of the state. I don't know why anybody would want to strike that out. I believe to strike from that section the provision that contributions of spouse or minor children, would be reasonable. I certainly do not believe that we should not allow the employee to contribute to political campaigns, and I offer the following amendment:

"This would leave the present law the same as it is now, but would strike out the present words in the law — spouse or minor children of any person in the employ of the state."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### **Special Order of Business — at 11:02 O'Clock**

Senator Cleveland called for the Special Order of Business.

Question being on the adoption of the amendment to the amendment offered by the Committee on Judiciary to SB 209, An Act relating to deputy clerks of court.

Senator Cleveland:

"Mr. President, I think we discussed this enough last week and I understand that everybody has their mind made up on the amendment. A suggestion was made that one year seemed like a long time and that 60 days would be better."

Amend the title of said bill by adding at the end thereof the words, and sheriff's services, so that said section as amended shall read as follows:

An Act relating to deputy clerks of court and sheriffs' services.

Amend said bill by inserting after section 1 the following new section:

2. *Sheriffs' Services, Allowed by Court, How.* Amend RSA 104 by striking out section 20 and substituting in place thereof the following:

20. *Monthly Account.* Each sheriff shall monthly submit to the superior court for his county a statement in detail of all services of himself or of his deputies for which the county is chargeable, and such amount shall be allowed thereon as is just. No such charge shall be allowed unless presented within one year after the service was performed.

Further amend said bill by renumbering section 2 to read section 3.

On a *viva voce* vote, the amendment to the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator English, the rules of the Senate were so far suspended as to permit the third reading and final passage of bills and joint resolutions at the present time.

### **Third Reading of Bills and Joint Resolution**

The following entitled bills and joint resolution were read a third time, and passed:

SB 209, An Act relating to deputy clerks of court and sheriffs' services.

HB 268, An Act relative to salaries of justices of the municipal courts of Rochester, Derry and Exeter.

HB 300, An Act providing for a first-aid room in the State House.

HB 421, An Act making appropriation for the Governor's legal counsel.

HB 429, An Act relative to election campaign receipts and expenditures.

HJR 36, Joint Resolution for the protection of the Old Man of the Mountain.

On motion of Senator Caron, the Senate voted to recess for one-half hour for lunch, at 12:12 o'clock.

(Recess)

The Senate re-assembled, at 1:00 o'clock.

### **Resolution**

Senator Karkavelas offered the following resolution:

*Whereas*, we have learned with sorrow of the passing of Harley A. Crandall, member of the House of Representatives from Dover, for several sessions; and

*Whereas*, Mr. Crandall has served his city and state with great efficiency and thoroughness; now therefore be it

*Resolved*, that we, the members of the Honorable Senate, hereby pay tribute to Mr. Crandall for his services and express our appreciation for his friendliness and helpfulness and extend our heartfelt sympathy to the family in its bereavement; and be it further

*Resolved*, that the Clerk be instructed to transmit to Mrs. Crandall a copy of these resolutions.

On a rising vote, the above resolution was unanimously adopted.

### **Introduction of Guest**

The President welcomed to the floor of the Senate, as guest of Senator Bergeron, Attorney Alfred Catalfo of Dover, the State Chairman of the Democratic Committee.

### **Committee Reports**

HB 416, An Act making appropriation for the expenses of the state of New Hampshire for the year ending June 30, 1958. Report of the Committee on Finance (Senator Caron): Ought to pass with amendments.

On motion of Senator Merrill, the reading of the amendments was dispensed with.

Senator Merrill:

"Mr. President, I might first make one statement. The amendments proposed by the Finance Committee are, of course, the result of considerable discussion and thinking and I think the best way might be to take them up one by one rather than making any general discussion, and I would so move."

On a *viva voce* vote, the affirmative prevailed, and the above motion carried.

Senator Merrill:

"First, is the legislative budget. In that, the only amendment would be in the legislative budget assistant's office. The amount of money which he had asked for his personal services, expenses, travel, equipment, etc. remain the same as he requested. We did increase his salary by 15%, feeling that we would make that the definite increase. To \$9,700 for each of the two years. His personal services item includes enough

additional funds to provide for increases in his personnel on the same basis. He would take these increases through his services in his appropriation. The appropriation for the legislative budget assistant does not lapse, but continues to increase to probably \$8,000 to \$10,000 surplus. That was the only change that we made in the legislative budget assistant. Secondly, the second item which had to do previously with the research analyst. The committee proposes to eliminate this position, and we have proposed that the Senate Finance Committee have a permanent assistant to act in the same capacity as she has in the past two years, which has been very helpful to the Finance Committee. I believe with this being under the supervision of the Finance Committee, the activities of this person may be directed into matters relative to budgets, etc. which will be of great help to any future budget committee. It is my personal thought that some work could be done to make it much more efficient and that is the reason that we made this proposed change. The salary is \$6,000 and \$500 for other expenditures. In that particular category, any surplus funds would lapse as other departments do. Also, incidentally, because this does come in the final part of the bill, we provided that Room 317 would be the permanent home for the Senate Finance Committee in the future. We felt that this committee is important enough to have a room of its own. I would like to comment here that the State Treasurer has been very cooperative, in allowing our committee to use his office. At this time, we have tried to provide a permanent room for the Senate Finance Committee in the future. We have changed the Legislative Council slightly from the House set up. (\$2,500). The only other thing that effected that particular division was the footnote attached by the House, providing that the Legislative Council should function only on matters referred to it by the General Court, the governor, or by heads of departments. This of course curtails the operation of the Legislative Council in that it cannot initiate any study of its own. The committee debated whether or not to do this, and after considerable thought, we felt that it would not hamper their studies. I think that covers the first item relative to the legislative budget."

Senator Packard presiding.



Senator Merrill moved that the Senate adopt the amendments offered by the committee.

Senator Karkavelas:

"I will go along with the budget, except for the Legislative Council. I do object to the limitation of the powers of the Legislative Council. I believe the Legislative Council should be given more leeway. Matters do arise that they investigate. I believe that this footnote was brought in with reference to them going into the subject of the size of the House. I think that the Legislative Council should be empowered to go into matters that are important to the state. I offer the following amendment:

"Amend section 1 of the bill by striking out the last sentence in the footnote referring to the Legislative Council as follows 'Notwithstanding the provision of other statutes, the expenditure of this appropriation shall be limited to the consideration of all matters referred to it by the general court, the governor and council and by state departments.'"

Senator Cleveland:

"I second the remarks of Senator Karkavelas and move that the amendment be adopted. It is ridiculous to me to think that the Legislative Council, a creation of the Legislature, cannot investigate anything of importance to the Legislature. If we are going to have the Legislative Council, we should have it, and they should have certain powers of investigation."

Senator Ferguson:

"Having been on the Legislative Council for three terms, I would call the attention of the Senate to the some 20 odd subjects which we have taken up. They were taken up under the provisions of the act which permits them to take up for consideration and investigation any matter which is likely to come before the general court for consideration. Most of them have been favorably acted upon by the general court. I think it would be a mistake to limit the Legislative Council as this amendment proposed to do. I am in support of the amendment offered by Senator Karkavelas."

On a *viva voce* vote, the amendment to the amendment was adopted.

Question now is on the adoption of this particular section as recommended by the Finance Committee.

On a *viva voce* vote, the amendments were adopted.

Senator Merrill:

"The next item will be the Executive Department. The change at the top of page four in which we inserted the item of rental and moving charges of State Departments in the amount of \$1,540. This provides for the temporary rental of three departments which are going to be moved into the State House when the Legislature gets through. It is necessary to pay the rent up to that time. Estimated amount necessary for the cost in question."

On motion of Senator Merrill, the following amendment to the amendment offered by the committee was adopted.

Further amend the bill in the appropriation for executive branch in the paragraph, Executive council: by striking out the words and figure, Personal services- *per diem* \$8,400.00 and inserting in place thereof, Personal services- *per diem* \$11,300.00; further amend said paragraph by striking out the word and figure, Travel 2,500.00 and inserting in place thereof, Travel 3,400.00; further amend said paragraph by striking out the word and figure, Total for executive council 11,200.00 and inserting in place thereof, Total for executive council, 15,000.00.

Further amend the appropriation for executive branch by striking out the words and figure, Total for executive branch \$145,800.00 and inserting in place thereof, Total for executive branch \$151,140.00.

On a *viva voce* vote, the Senate voted to adopt the amendment as amended relative to the executive department, as recommended by the Finance Committee.

Senator Merrill:

"Section relative to the Adjutant General. It merely corrects the salary of the Adjutant General which was listed in error. I move the adoption of the amendment."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the Committee on Finance.

Senator Merrill:

"Administration and Control. This amendment has to do

with the salary of the elevator man until such time as the self-service elevator can be installed. Move the adoption."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"Agriculture. This robs Peter to pay Paul. One typewriter was needed in the office of the Commissioner. \$200 was taken from the Bureau of Markets for this purpose. Move the adoption."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the Committee, relative to the Department of Agriculture.

Senator Merrill:

"Forestry and Recreation. At this time, I wish to pay a tribute to Bill Messeck, the head of that department. If all department heads took the viewpoint that he has, we would have a lower budget. The footnote on page 5, allowing him to use excess funds which he might have in the forest fire division at the end of June 30, this year. Move the adoption of this section."

On motion of Senator Merrill, the Senate voted to adopt the amendment recommended by the Committee on Finance relative to this section.

Senator Merrill:

"Department of Public Health. The only change that we made in the Department of Health, with the exception of administration and food and chemistry was to make the amount available for rehabilitation of crippled children the amount of \$50,000 — a reduction of \$10,000 in that provided by the House."

On motion of Senator Bennett, the following amendment to the amendment was adopted:

Strike out in the footnote the words "within this state" so that said footnote as amended shall read as follows:

It is the intent of the Legislature that the amount herein appropriated for convalescent care and clinics may be expended for the purpose specified at any institution which can prove

to the satisfaction of the department of health its qualifications as a rehabilitation center.

Senator Holmes offered the following amendment:

Amend the amendment in Department of Health relative to maternal and child health and crippled children's services by striking out the figures \$50,000 relative to convalescent care and clinics, and insert in place thereof the figures, \$60,000.

(Discussion ensued)

Senator Karkavelas demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Holmes, Paquette, Packard, Provost, Daniel, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Ferguson, Rainie, Bergeron and Merrill.

Ten Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the negative prevailed, and the amendment to the amendment was not adopted.

Senator Merrill:

"Food and Chemistry. One change made. Reversal of the House position on the matter of state owned cars."

Senator Adams offered the following amendment to the amendment:

Amend the amendment in the appropriation for department of health, in the paragraph, Food and chemistry: state, and inserting in place thereof the following:

Food and chemistry: state

Personal services	\$55,084.31
Current expenses	3,970.00
Travel	12,200.00
Equipment	7,370.00

Total	<hr/> 78,624.31
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Amend the amendment in the appropriation for department of health, in the paragraph, Sanitary engineering: state by striking out said paragraph and inserting in place thereof the following:

## Sanitary engineering: state

Personal services	\$47,723.12
Current expenses	3,959.00
Travel	7,125.00

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Total 58,807.12

(Discussion ensued)

Senator Paquette moved the previous question, seconded by Senators Ferguson and Caron.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question is on the adoption of the amendment offered by Senator Adams.

On this question, Senator Adams requested a division.

Twelve Senators having voted in the affirmative, and nine Senators having voted in the negative, the amendment was adopted.

On a *viva voce* vote, the amendment to the amendment offered by the Committee on Finance was adopted.

Senator Merrill:

"Commission on alcoholism. Barbers' board provides for a part term clerk. Taken out in error. Move the adoption." Change of \$350.

On motion of Senator Merrill, the amendments were adopted.

Senator Merrill:

"Insurance Department — two changes. Removes an item of \$3,500 under personal services and \$2,000."

On motion of Senator Merrill, the amendment was adopted.

Senator Merrill:

"Department of Labor. I offer the following amendment:

"Further amend the appropriation for department of labor, in the paragraph Inspections division: by striking out the words and figure, Personal services \$29,401.92 and inserting in place thereof, Personal services \$32,352.14; further amend said paragraph by striking out the word and figure, Total 39,271.92 and inserting in place thereof, Total 42,222.14.

“Further amend the appropriation for department of labor, in the paragraph Workmen’s compensation by striking out in the words and figure, Personal services \$20,756.66 and inserting in place thereof, Personal services \$23,706.88; further amend said paragraph by striking out the word and figure, Total 24,203.16 and inserting in place thereof, Total 27,152.38.

“Further amend the appropriation for department of labor, by striking out the words and figure, Total for department of labor, \$81,947.67 and inserting in place thereof, Total for department of labor, \$88,648.11; further amend said appropriation by adding at the end thereof the following footnote:

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Of this amount \$2,950.22 has been added for the purpose of providing a Clerk-Stenographer III position within the inspections division, and \$2,950.22 for a Clerk IV position within the workmen’s compensation division.”

On motion of Senator Merrill, the amendment to the amendment was adopted.

Senator Merrill:

“Department of Welfare. \$1,500 for rent.”

On motion of Senator Merrill, the amendment was adopted.

Senator Merrill:

“Veterans’ Council. The change is relative to state owned vehicles.”

(Discussion ensued)

Senator Adams offered the following amendment:

Amend the amendment in the appropriation for veterans’ council: by striking out said appropriation and inserting in place thereof the following:

For veterans’ council:

Personal services	\$10,223.86
Current expenses	828.00
Travel	2,900.00
Equipment	120.00

Other expenditures:

Veterans' burials	4,500.00
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Total	<u>\$18,571.86</u>
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(Discussion ensued)

Question being on the adoption of the amendment to the amendment offered by Senator Adams.

Senator Adams requested a division.

Eleven Senators voted in the affirmative, and nine Senators voted in the negative.

Senator Cleveland demanded a roll call.

Senator Cleveland withdrew his demand for a roll call and requested a recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Rhodes, Holmes, Paquette, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

The following named Senators voted in the negative: Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, English, Ferguson, Rainie, Merrill and Humphreys.

Twelve Senators having voted in the affirmative, and eleven Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

On motion of Senator Merrill, the amendment of the committee as amended was adopted.

Senator Merrill:

"Secretary of State. We added one position of clerk stenographer II which I understand the House forgot to put in. And struck out the footnote at the end thereof."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"State Library. We increased the appropriation by \$1,000 for the purchase of additional law and reference books. That is the only change."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"State Treasurer. We increased the appropriation \$270 for IBM rentals increased since the budget was made."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"Industrial School. Increased their current expenses \$3,300 in each year to take care of the increased enrollment. There has been a considerable increase which seems to be a trend."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"Laconia State School. We have done three things. 1. Removed the administrative assistant in the budget — a line item. 2. Provided for the deputy superintendent's position. A footnote which takes care of the salary for that position and we added 16 attendant IIIs for supervisory personnel. That was an increase by six above the number of employees suggested by the administration. We checked with the authorities at the school and with Senator Adams who we felt had first-hand knowledge relative to supervision of buildings. We allowed for one additional III in each building at all times. I believe that we were unanimous in our agreement in recommending 16 new attendant IIIs."

On motion of Senator Merrill, the amendment of the committee was adopted.

Senator Merrill:

"State Hospital. We made a slight change in personal services, relative to the Memorial Unit."

On motion of Senator Merrill, the Senate voted to adopt the amendment of the committee.

Senator Merrill:

"Board of Education. Increased IBM rental \$1,320. Added a footnote which provided that the amount of money allocated



to area vocational schools would be a charge against the appropriation for state aid to school districts."

(Discussion ensued)

Senator DeLude spoke against the amendment and moved that the footnote relative to area vocational schools be stricken out.

(Discussion ensued)

Question being on the motion. On that question, Senator DeLude requested a division.

Two Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the amendment to the amendment was not adopted.

On motion of Senator Merrill, the amendment offered by the committee was adopted.

Senator Merrill:

"Aeronautics Commission. We transferred \$300 from travel to current expenses, in error originally."

On motion of Senator Merrill, the amendment by the committee was adopted.

Senator Merrill:

"Bank Commissioner. We added a bank examiner one I and III and added \$2,000 travel to take care of these two persons."

On motion of Senator Merrill, the amendment offered by the committee was adopted.

Senator Merrill:

"Liquor Commission. The only two changes made — increased personal services \$6,000, and the return to state owned cars which was in the Governor's budget."

Senator Ferguson presiding.

Senator Karkavelas offered the following amendment to the amendment:

Amend the amendment in the appropriation for liquor commission in the paragraph, Beer administration: by striking out the words and figure, Travel 19,370.00 and inserting in place thereof, Travel 24,500.00; further amend said paragraph by striking out the word and figure, Equipment 18,840.00 and inserting in place thereof, Equipment 565.00;

further amend said paragraph by striking out the word and figure, Total 142,245.06 and inserting in place thereof, Total 129,100.06.

Amend the amendment in the appropriation for liquor commission, in the paragraph, Liquor enforcement: by striking out the word and figure, Travel 5,660.00 and inserting in place thereof, Travel 6,500.00; further amend said paragraph by striking out the word and figure, Equipment 6,125.00; further amend said paragraph by striking out the word and figure, Total 38,116.85 and inserting in place thereof, Total 32,831.85.

Amend the amendment in the appropriation for liquor commission, in the paragraph, Stores operation: by striking out the word and figure, Travel 8,500.00 and inserting in place thereof, Travel 9,000.00; further amend said paragraph by striking out the word and figure, Equipment 8,915.00 and inserting in place thereof, Equipment 5,415.00; further amend said paragraph by striking out the word and figure, Total 883,880.91 and inserting in place thereof, Total 880,880.91.

Senator Cleveland spoke in opposition to the amendment to the amendment and demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, DeLude, Rhodes, Holmes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

The following named Senators voted in the negative: Hodgdon, Bennett, Rogers, Cleveland, Anderson, English, Rainie and Humphreys.

Senator Lamontagne voting Yes, paired with Senator Merrill voting No.

Senator O'Brien voting Yes, paired with Senator Ferguson voting No.

Twelve Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the amendment to the amendment was adopted.

On a *viva voce* vote, the amendment offered by the committee was adopted.

Senator Merrill:

"Planning and Development Commission. \$132,000 for current expenses. The House had \$140,000.00

Senator DeLude offered the following amendment to the amendment:

Further amend bill in appropriation for Planning and Development Commission by adding line item, Economic growth survey \$7,500.

Further amend the appropriation by striking out the figure, "\$317,318.61" and inserting in place thereof the words, and figures net appropriation \$320,609.11.

Senator DeLude spoke in favor of the adoption of the amendment to the amendment.

Senator Bennett spoke in opposition to the amendment to the amendment.

(Discussion ensued)

Senator DeLude demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Horner, DeLude, Anderson, Rhodes, Holmes, Paquette, Packard, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Hodgdon, Bennett, Rogers, Cleveland, English, Rainie, Provost, Daniel and Bergeron.

Eleven Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the amendment to the amendment was adopted.

On a *viva voce* vote, the amendment offered by the committee was adopted.

Senator Merrill:

"Racing Commission. Merely a footnote in connection with the possible operation of harness racing. Provides for the necessary budgetary funds if they set up harness racing."

On motion of Senator Merrill, the Senate voted to adopt the amendment of the committee.

Senator Merrill:

"Water pollution Commission. The addition of a federal program which does not affect general funds. No matching funds required."

On motion of Senator Merrill, the amendment offered by the committee was adopted.

Senator Merrill:

"Teachers' Retirement. Merely an adjustment of the appropriation in view of the intergration and security."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"Mental hygiene and child guidance clinics. Provided additional funds for clinics for mental health."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"Public Works Division of Department of Public Works and Highways. Made some changes, but arrived at the same figure as the House."

On motion of Senator Merrill, the Senate voted to adopt the amendment offered by the committee.

Senator Merrill:

"Fish and Game Department. We allowed two trained positions, increased personal services some \$5,000 and that was the only changes that we made in the Fish and Game Department."

On motion of Senator Merrill, the Senate voted to adopt the amendments offered by the committee.

Senator Merrill:

"The rest of the bill — we have referred to certain sections of it — relative to funds for the bank commissioner; assistant to the Senate Finance Committee; information and office space."

Question being on the adoption of the amendment offered by the Committee on Finance, relative to sections 7, 9, 10, 11 and 12, as recommended by the Finance Committee.

On motion of Senator Cleveland, the following amendment to the amendment was adopted:

Add at the end of section 9, 14:40 the following words: The assistant to the Senate Finance Committee shall, on request, furnish reasonable information to the members of the Senate.

On motion of Senator Merrill, the amendment as amended was adopted.

Senator DeLude moved that the Senate re-consider its vote whereby it adopted the amendment relative to convalescent care and clinics.

(Discussion ensued)

Senator DeLude requested a division.

Senator Adams demanded a roll call.

Senator Adams withdrew his demand for a roll call.

Senator Adams requested a division.

Senator Rainie demanded a roll call.

Senator Cleveland requested a short recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator Merrill presiding.

At the request of Senator Adams, the Chair granted a two minute recess.

(Recess)

The Senate re-assembled.

Senator Ferguson presiding.

Senator DeLude withdrew her motion for reconsideration.

Senator Rainie withdrew his demand for a roll call.

Question now being on the adoption of House Bill No. 416, as amended.

Senator Bennett moved that the Legislative Council be granted an additional appropriation of \$3,200 to take care of clerical and operating expenses.

(Discussion ensued)

Senator Bennett requested a division.

Three Senators having voted in the affirmative, and ten Senators having voted in the negative, the amendment was not adopted.

On motion of Senator Paquette, the Senate adjourned at 5:50 o'clock,

WEDNESDAY, JULY 17, 1957

The Senate met at 11:00 o'clock.

### **Request for Leave of Absence**

Senator Lamontagne requested leave of absence for the day because of illness. This request was granted by the Chair.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guests of Senators Rhodes, Ferguson, Rainie, Cleveland and Karkavelas: Mrs. Helen McCoy of Pembroke, Mrs. D. Lucius Conant of Concord, Director of Girls' State, and Miss Sharon Price of Keene, the Governor of Girls' State 1957, and her parents Mr. and Mrs. Trevor Price of Keene.

As the guests of Senators Caron, Bergeron and Karkavelas: Mrs. Noreen Winkley of Rochester, Mrs. Delrina Perusse of Somersworth, Mrs. Yvonne Roy of Somersworth, and Mrs. Helene Donnelly of Dover.

The President requested the Sergeant-at-Arms to escort Miss Price to the rostrum and invited her to speak briefly, which she did, as follows:

"Mr. President and members of the Honorable Senate, I know that this is a time when your time is very valuable to you, but I do want to tell you what a privilege it is to be here, for my parents and myself. I have never visited the Legislature before and it is a great experience for me. Thank you, Senators."

### **Announcement by the Chair**

"The Chair will state this morning, if there is no objection on the part of the Senate, he plans to follow the same procedure as yesterday. We will go on with the regular Calendar and take up the Special Order of Business. Then recess for lunch and then take up the matter of unfinished business which is further consideration of House Bill No. 416."

### **House Message**

The House of Representatives has passed the following bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 406, An Act to establish the New Hampshire Distributing Agency.

HJR 42, Joint Resolution for the development of wayside picnic areas.

### **Introduction, First and Second Reading of Bill and Joint Resolution**

HB 406 to the Joint Committee on Agriculture and Finance.

HJR 42 to the Joint Committee on Resources, Recreation and Development and Finance.

### **House Message (continued)**

The House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 193, An Act relative to membership in the council on resources and development.

SB 201, An Act to legalize the proceedings of an annual meeting of the Lebanon School District and to permit it to borrow a certain sum of money.

The House has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

### **Concurrent Resolution**

relative to a marine biological laboratory for the University of New Hampshire at Newington.

*Whereas*, the Department of Zoology at the University of New Hampshire has a dedicated interest in and qualified personnel for marine biological research and instruction; and

*Whereas*, the Department's personnel might pursue this objective more advantageously with a proper marine location; and

*Whereas*, there is a need for properly trained specialists in marine biology; and

*Whereas*, no other state university north of Cape Cod is located near the Atlantic Coastal waters; and

*Whereas*, the State of New Hampshire by Executive Order on September 28, 1951 assigned to the University a site of

3.6 acres near the eastern terminus of the Sullivan Bridge in the Town of Newington on the Piscataqua River at the entrance to the Great Bay Area intended and ideally suited for a marine biological laboratory; and

*Whereas*, the development of the site by the University would enhance the appearance of state-owned property adjacent to the Spaulding Turnpike, now therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

*That* the President of the University of New Hampshire be instructed to cause his staff to make a study of the feasibility, plans for operation, staffing, costs, and other data necessary to an appraisal of this subject and submit his report to the legislature no later than January 15, 1959, citing this resolution as his directive.

On motion of Senator Cleveland, the read of the Concurrent Resolution was dispensed with.

The House has voted to non-Concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 382, An Act relative to registers to be kept of guests at camps.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Lamprey of Moultonborough, Ecker of Manchester, and Loizeaux of Plymouth.

On motion of Senator Rogers, the Senate voted to accede to the request of the House for the appointment of a Committee of Conference on the above entitled bill.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Rogers and Rainie.

The House has voted to accede to the request of the Honorable Senate for the Committee of Conference on the following entitled bill, sent down from the Honorable Senate:

SB 57, An Act providing for hearing in case of failure to renominate or re-elect a teacher.

The Speaker has appointed as members of such committee on the part of the House, Messrs. Vaughan of Newport, Lamprey of Moultonborough, and Mrs. Nutter of Epsom.



### Committee Reports

HB 198, An Act relative to replacement in and extension of the heating plant system at the University of New Hampshire. Report of the Joint Committee on Education and Finance (Senator Merrill) : Ought to pass.

Senator Merrill:

"Mr. President, this bill, as indicated by its title, is for replacements, and extension of the heating plant at the University of New Hampshire which ties in with the general building program because the new proposal will include the new buildings as they are built. The estimates of costs are about \$200,000 which would be repaid over a 20 year period through state appropriation. The budget itself includes the interest. That is already in the budget. No longer appropriation will develop. As long as we are going to expand the University, and it seem absolutely advisable to do so, we have to provide them with some heat."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 216, An Act relative to the construction of two buildings for instructional purposes and the remodeling of certain present buildings at the University of New Hampshire. Report of the Joint Committee on Education and Finance (Senator Merrill) : Ought to pass.

Senator Merrill:

"Mr. President, this bill refers to the construction of two buildings for instructional purposes. It authorizes the repayment over a 30 year period. This would be through state appropriation eventually. However, that will not be until the following biennium. Therefore, the present budget has nothing in there for it and will not need anything. These two buildings — one is for laboratory and class room facilities, college of liberal arts, and the other building is for technology and liberal arts. The committee approved the passage of the bill because it is obvious that this is necessary."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 223, An Act relative to the construction of a dormitory for men at the University of New Hampshire, and to be

liquidated from income. Report of the Joint Committee on Education and Finance (Senator Merrill): Ought to pass.

Senator Merrill:

"Mr. President, again, this particular building program develops the need for additional housing for men and the proposed construction will take care of approximately 300 at an estimated cost of \$1,150,000. I believe we were told that the \$3,400 or \$3,600 per foot as compared with the federal housing figure of \$5,100. The planning at the University has been very careful, but yet has not sacrificed good material and construction. This will be amortized by rentals paid by students. It will be self liquidating."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

The Chair announced that the committee report on SB 210, An Act relative to the military staff of the governor had been withdrawn at the request of Senator O'Brien.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred Senate Bill No. 161, An Act relative to contracts for projects for the fish and game department, having considered the same report as follows:

That the House recede from its position in adopting its amendment, that the Senate recede from its position of non-concurrence in the amendment proposed by the House and that the Senate and House concur in the adoption of the following amendments to the bill.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to contracts for projects for the fish and game department and the recreation division of the forestry and recreation commission.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 *Contracts for Fish and Game and Recreation Projects.* Amend RSA 228:4 by inserting after paragraph I of said section the following new paragraph: I-a. Notwithstanding the provisions of paragraph I projects for the fish and game de-

partment or for the recreation division of the forestry and recreation commission, in excess of ten thousand dollars and not more than fifty thousand dollars, may be done on a force account basis upon recommendation of the public works and highway commissioner that such procedure is in the best interests of the state, with the approval of the governor and council.

E. EVERETT RHODES,  
ELMER M. ANDERSON,  
*Conferees on the part of the Senate.*

KENNETH M. BISBEE,  
GUY J. FORTIER,  
JOHN PILLSBURY,  
*Conferees on the part of the House.*

On a *viva voce* vote, the report of the Committee of Conference was adopted.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitle House and Senate Bills and House Joint Resolutions:

HB 313, An Act relative to the salaries of the justice and clerk of the municipal court of Dover.

HB 338, An Act to establish the City of Lebanon.

HB 373, An Act to provide for a farm registration for motor trucks and semi-trailers when used exclusively for farm purposes.

HB 395, An Act relative to Belknap recreational area.

HB 422, An Act to amend the charter of the New Hampshire Antiquarian Society, and the charter of the Keene Academy.

HB 441, An Act relative to constitutional amendment ballots.

HB 445, An Act legalizing a certain budget hearing of the Carroll County Convention and budget meetings held pursuant thereto.

SB 49, An Act relative to the industrial park authority.

SB 126, An Act pertaining to new positions and reclassification of positions in the classified service.

SB 149, An Act relative to the appropriation of money at town meetings.

SB 158, An Act relative to probate courts.

SB 174, An Act relative to use of funds held by the trustees of the Boscawen Academy in Boscawen.

SB 193, An Act relative to membership in the council on resources and development.

SB 201, An Act to legalize the proceedings of an annual meeting of the Lebanon school district and to permit it to borrow a certain sum of money.

HB 407, An Act to revise the Charter of the city of Rochester.

HB 438, An Act relating to the Franklin police force.

HB 443, An Act to repeal charters of certain corporations.

HJR 57, Joint Resolution in favor of A. Raymond Smith.

HJR 59, Joint Resolution in favor of George Lindh and Odd Koppang.

HJR 61, Joint Resolution in favor of William L. Shearer, III, Ralph W. Kelley and Louis Blatt.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

### **Special Order of Business — 11:01 O'Clock**

Senator Merrill called for the Special Order of Business.

Question being on the adoption of the committee report, Ought to pass, on HB 292, An Act relative to purchasing liability insurance at state recreation facilities.

Senator Merrill:

"Mr. President, I was so busy yesterday for some reason or other, that I never gave any thought to this part of the Special Order of Business. I don't know that I have anything to add that has not already been said. I did intend to try and produce some more information, which I believe would be advisable."

Senator Adams:

"In view of the statement of Senator Merrill, I think that it might be in order at this time to make a motion that this be made a Special Order of Business for next Tuesday, at 11:01 o'clock."

On a *viva voce* vote, the affirmative prevailed, and the motion for Special Order carried.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to permit the third reading and final passage of bills at the present time.

### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

HB 198, An Act relative to replacements in and extension of the heating plant system at the University of New Hampshire.

HB 216, An Act relative to the construction of two buildings for instructional purposes and the remodeling of certain present buildings at the University of New Hampshire.

HB 223, An Act relative to the construction of a dormitory for men at the University of New Hampshire, and to be liquidated from income.

### **Bill Recalled from Governor**

On motion of Senator Rhodes, the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the State for further consideration:

HB 116, An Act relative to fishing, sale of bait, and hunting and fishing licenses for members of the armed forces and military personnel.

On motion of the same Senator, the rules of the Senate were so far suspended as to allow a reconsideration of the vote on the above entitled bill.

On further motion of the same Senator, the Senate voted to reconsider its vote whereby the bill passed.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the bill was ordered to a third reading.

On final motion of the same Senator, the above entitled bill was recommitted to the Committee on Fisheries and Game.

### **Announcement by the Chair**

"The Chair would state that the Senate has now completed its morning business, and as stated above, would entertain a motion to recess for lunch."

Senator Cleveland moved that the Senate recess.

Senator Packard spoke against the motion, stating that it seemed a little early to him to think of lunch, it being 11:30.

On a *viva voce* vote, the negative prevailed, and the motion for recess did not prevail.

The Chair stated that the Senate will not take up its unfinished business, which is further consideration of HB 416. The bill still being on its second reading and open to amendment.

No amendment being offered, question being: Shall the bill be read a third time?

On a *viva voce* vote, HB 416 as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 416, An Act making appropriation for the expenses of the state of New Hampshire for the year ending June 30, 1958.

On motion of Senator Karkavelas, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

### **Committee Report**

HB 417, An Act making appropriation for the expenses of the state of New Hampshire for the year ending June 30, 1959. Report of the Committee on Finance (Senator Merrill): Ought to pass with amendment.

Senator Merrill:

"Mr. President, if it is in order and the wish of the Senate, we would consider this particular bill on the same basis as we did on HB 416. It would appear to me that this could be handled expeditiously this way. There are not too many changes that were not in HB 416."

The Chair inquired of Senator Merrill if he had a list of the departments that were changed, in which case, the ques-

tion would be on the adoption of the amendments not changed by the Senate yesterday, which would expedite matters.

Senator Merrill replied in the affirmative, and stated that he would explain the amendments as they appear in the various departments in the budget.

Senator Merrill:

"First, in the executive branch, on page 22 of the supplement to the Senate Journal for July 11. We have added a line item in the executive department for the Governor's legal counsel in the amount of \$6,500. Insertion of this line item will eliminate the necessity for having such a bill in the future session. It does not preclude payment of such funds if requested by the Governor and approved by the Legislature."

On motion of Senator Merrill, the proposed amendment was adopted.

Senator Merrill:

"The next change would be on pages 29 and 30, for the State Prison. The only difference there is the addition of \$1500 for uniforms in the second year. Incidentally I think the Warden asked for \$3000 for uniforms, but was allowed \$1500 and he can probably get by on that until the next Legislature. That is the only change there."

On motion of Senator Merrill, the proposed amendment was adopted.

Senator Merrill:

"The next minor change would be in the Department of Labor, in which we added sufficient rent to take care of the Department of Labor in temporary quarters during the Legislative session. Probably not more than \$1,200 or \$1,500. Do not have the exact figure right here, but that is the approximate figure. It appears on page 25. This is merely an addition for sufficient rent for their temporary office."

On motion of Senator Merrill, the amendment was adopted.

Senator Merrill:

"On page 33, Public Utilities Commission. There were two positions which were allowed by the House in their regular budget which were accepted in HB 416, but the House neglected to fix their positions in the second year as they were

under the impression that they were going to be vacant in the second year. However, these positions are filled and will continue to be filled by permanent employees. The committee returned the amendment necessary to take care of the two positions. Merely the salaries."

On motion of Senator Merrill, the amendment was adopted.

Senator Merrill:

"That would take care of all of the amendments which we made in the second bill which are different from anything in HB 416. In HB 416, we did add and by amendment from the floor, the Economic Growth Survey. If that is to be inserted in the second bill, I would ask this motion to be made. Everything else would be identically the same as in HB 416. The same provision on state owned cars and crippled children, which were the major things discussed yesterday. I would ask an amendment to the committee report on the state owned cars or anything else. That is all I have to say about any additional changes."

The Chair stated that the Chair would entertain a motion relative to state owned cars, being an amendment to HB 417 the same as the Senate did yesterday on the same section, in HB 416.

On motion of Senator Adams, the Senate voted to make the same changes in HB 417 in regard to state owned cars in the departments of Liquor, Board of Health, and the Veterans' Council, by striking out the provision for state owned cars. The same as the vote taken on HB 416."

On a *viva voce* vote, the amendment offered by the Committee on Finance to HB 417 were adopted.

Senator Packard offered the following amendment:

Amend the paragraph for recreation division (forestry and recreation) by inserting at the end of said paragraph the following:

The recreation division shall not render services to the public on state forests and reservations relative to sale of goods, foods, etc. The commission may by means of public bids enter into contracts with private parties to furnish such services to the public on said state forests and reservations and receive from said contracts rental charges for use of state



equipment and space in buildings. Such part of RSA 219:12 as may be inconsistent with the provisions hereof is hereby repealed to the extent of such inconsistency.

Senator Packard speaking on the amendment proposed:

“This is a very important amendment, I think. Actually, in a sense, what it does is take the state out of the concession business and returns it to private industry. In return, the state would receive as rental an amount of money. Under this situation, they cannot possibly get into difficulty. Private concerns can run this more efficiently, I believe. If the state does it, it would be contrary to present state laws. Private industry certainly cannot disapprove of this. It is turning it back to individuals or to other concessions. (Reads from RSA 219). That is the law on the books. It is my firm belief and I know this comes as a surprise to most of the Senators. Actually, the state will be much better off under this provision. I know there is going to be some opposition to it. But if they seriously think, they will find it has considerable merit.”

Senator Merrill:

“I would like to say first, that I agree with Senator Packard on the problem involved of keeping the state out of business as much as possible. We all have that feeling about the federal government and the same about the state. I have discussed this particular matter with one of the members of the commission who comes from my community. They have made efforts to do this and it has not been satisfactory. I am not opposing, but I do think it bears looking into very thoroughly.”

(Discussion ensued)

Senators Cleveland, Rogers, Bennett and Rainie spoke against the adoption of the amendment.

Senator Adams spoke in support of the amendment.

Senator Merrill:

“It is a question in my mind as to whether the proposal might be added as a footnote on the budget. This has been done in the past. We cannot do any more than that. Here is a problem that I have some sympathy with, but I agree with Senator Rainie that it is of considerable magnitude and ought

to be studied and we ought to have the facts before any further action being done. I do not feel it germane to the bill."

Senator Rogers:

"I would like more information on this and agree with Senator Rainie that we need more time."

The Chair stated:

"The Chair attempts to be fair at all times. It would appear to the Chair that in the budget we have amended certain statutes and, as this matter refers entirely to the recreation division — a change in the policy of the division, it would seem to the Chair that it is germane."

Senator Rainie:

"I want to protest violently to any footnote. This matter has not been important enough for anybody to bring up during this session."

Senator Rhodes presiding.

Senator Ferguson:

"I don't wish to appear to be either for or against this bill, but for the information of the Senate, I will state that in two previous sessions I have been a member of the Appropriation Committee in the House. The matter was discussed within the Appropriation Committee and it was decided not to do it. After the budget was brought in an effort was made on the floor to take the state out of business. There are a number of Senators who are now members of the Finance Committee, who previously were members of the House Appropriation Committee. If I had been on the Finance Committee, I would not have brought this question up."

Senator Ferguson presiding.

Senator Humphreys:

"As I listen to the debate on this, I am wondering if it could not be disposed of by amending the amendment to provide rather than it being compulsory in all cases to put it in the hands of private enterprise. Add the words, where practical, and then also refer the larger question to the Legislative Council. I am wondering if that is a solution to dispose of the matter."

The Chair stated: The Chair would ask the permission of Senator Packard to temporarily pass over this matter and recognize Senator DeLude who wishes to offer an amendment. I will then recognize Senator Adams for a motion to recess."

Senator Cleveland:

"I think before we recess that we should have all amendments together to discuss when we reassemble. I think we should have all amendments together to discuss when we reassemble. I think we should have all amendments in before the recess."

Senator DeLude offered the following amendments:

Further amend bill in appropriation for Planning and Development Commission by adding line item. Economic growth survey \$5,000. Further amend the appropriation by striking out the figure, "\$317,318.61" and inserting in place thereof the words and figures, net appropriation \$319,865.53.

Question being on the adoption of the above amendment. Senator Rainie requested a division.

Senator Cleveland requested Senator Rainie to withdraw his request for a division in order that he might speak briefly.

Senator Rainie withdrew his request for a division.

Senator Cleveland:

"Mr. President, yesterday, I voted against this amendment. This information was not available to me at that time. I now have the information that this is a recommendation of the administration and I am going to vote in favor of the amendment at this time."

Senator Karkavelas:

"Mr. President, I voted for this yesterday and regardless of the fact that the administration wants this bill, I will continue to support it."

Senator Rainie requested a division.

Fourteen Senators having voted in the affirmative, and five Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

The Chair inquired if there were any other amendments to HB 417 to be represented at the present time prior to the recess. The Chair stated that, without objection, the Chair would request the introduction of amendments at this time

which will be taken up in the order in which they were presented.

Senator Paquette requested a recess.

Senator Cleveland requested Senator Paquette to withhold the request for a moment, stating that the point was that he felt that it was well known that Senator Adams had an amendment to offer.

Senator Adams offered the following amendment:

Amend said bill by inserting after section 7 the following new section:

8. *Special Funds from Harness Racing Receipts.* Amend RSA 6:24-a as inserted by 1957, 122:4 by inserting at the end of said section the words, provided, however, the governor and council may transfer any funds in the sinking fund authorized by this section to the general funds of the state, so that said section as amended shall read as follows: 6:24-a. *Sinking Fund.* The state treasurer shall keep in a separate so-called sinking fund all receipts from the harness race fund as provided in RSA 284:2 and said fund shall be allowed to accumulate and no expenditure shall be made therefrom until otherwise ordered by the general court of 1959 or thereafter. Provided, however, the governor and council may transfer any funds in the sinking fund authorized by this section to the general funds of the state.

Further amend said bill by renumbering section 8 to read section 9.

The Chair asked for any further amendments.

There were none.

On motion of Senator Cleveland, the Senate voted to recess for 45 minutes, to reconvene at 1:30 P. M.

(Recess)

The Senate re-assembled.

Question now being on the adoption of the amendment to HB 417 offered by Senator Packard.

Senator Adams inquired of Senator Merrill about an item in HB 417 about forest improvements.

Senator Merrill:

“That has to do solely with the creation of a forest super-

visor and the net result will effect a saving of \$2,200. It takes the supervisor from the cutting and hauling of lumber and fixes it up to a part time position. That was the change there, plus a very minor one involving the saving of \$100."

Senator Adams:

"I do not intend to make any motion in connection with this, but I just want to make this observation. This is another case of the state going into business. I do not know to what extent this may eventually reach. To me, this means that they are in the lumber business. I know so little about the matter under consideration that I am not prepared to make any motion at the present time."

Senator Rainie:

"This was first brought to my attention in the House and I was surprised to find that the forest department does conduct quite a business and it is growing. I don't believe that there is anyone in this Chamber not interested in getting the state out of business."

(Discussion ensued)

Question now being on the adoption of the amendment offered by Senator Adams.

### **Statement by the Chair**

The Chair rules that this amendment is not germane to the bill under consideration by the Honorable Senate. The Chair feels that any floor amendment must be germane not only to the title of the bill, but to the body of the bill and this amendment does not refer to any appropriation nor to any footnote presently within the bill. Therefore, the Senate should not consider this amendment and may not.

### **Introduction of Guests**

The President welcomed to the floor of the Senate, as the guests of Senator Humphreys:

Charles R. Morgan, Portsmouth; John F. Rowe of Newington; John E. Seybolt, Portsmouth; and Robert C. Violette of Portsmouth.

The Chair announced that inasmuch as the information relative to the amendment of Senator Packard is not yet avail-

able for consideration by the Senate, the Chair would declare a recess, subject to the call of the Chair.

(Recess)

The Senate re-assembled.

Senator Packard:

"Mr. President, as requested by the Senate, I now have the figures obtained from Remick Leighton, our legislative budget assistant. It shows a profit to the recreation division of \$78,000. This figure does not include many things. It does not include capital expenditures, depreciation or any other incidentals. Actually, only the cost of sales, salaries and minor expenses. So, if we got a true figure, probably the figure of \$78,000 we would end up with a slight deficit. Apparently, this is something to be studied further, and rather than prolong this budget and spend the state's money by staying here, I will move that this bill be referred to the newly created Assistant to the Senate Finance Committee for study and report to the next Legislature."

Senator DeLude:

"Will you amend that to provide for the Senate Finance Committee to also look into the matter of forest protection?"

Senator Packard stated that was agreeable to him.

Senator DeLude offered the following amendment:

Further amend the paragraph for recreation division (forestry and recreation by adding at the end of said paragraph the following: This, also to provide for the investigation of the operations of the forestry department and the economy of, and the water pollution board, relative to activities in the lumber business.

Question now being on the adoption of the amendment of Senator Packard, as amended by Senator DeLude.

On a *viva voce* vote, the amendments were adopted.

Senator Packard therefore withdrew his amendment to HB 417.

Senator Adams spoke briefly on the amendment which he introduced, but which the Chair declared not to be germane:

"I wish to be recorded as being absolutely in favor of this

amendment and I wish to be recorded as stating that I think it is ridiculous not to have it in the budget."

Senator Cleveland spoke in support of the ruling of the Chair.

Senator Daniel:

"One comment. When we did call a special session two years ago, I was a part of it. Senator Adams was a part of it and Senator Packard was a part of it. That was the Edgecomb Steel affair. They want \$174,000 (the lay-out commission). The supreme court awarded \$90,000. The cost of the special session was \$50,000. We saved the state \$34,000."

HB 417 still being on its second reading is open to further amendment.

No further amendment being offered, shall the bill be ordered to a third reading?

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator DeLude:

"In order to be consistent, I wish to be recorded as opposed to that portion of the above entitled bill relative to appropriation provided for area vocational schools being a charge against the appropriation provided for state aid to school districts."

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bill

The following entitled bill was read a third time, and passed:

HB 417, An Act making appropriation for the expenses for the state of New Hampshire for the year ending June 30, 1959.

On motion of Senator Cleveland, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

The Chair declared a recess, subject to the call of the Chair.

The Senate re-assembled.

**House Message**

The House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 62, Joint Resolution in favor of the estates of Harley A. Crandall and John J. Burke.

**Introduction, First and Second Reading of Joint Resolution  
HJR 62 to the Committee on Finance.**

**House Message (continued)**

The House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following entitled bills, and asks for a Committee of Conference:

HB 416, An Act making appropriations for the state of New Hampshire for the year ending June 30, 1958.

HB 417, An Act making appropriations for the state of New Hampshire for the year ending June 30, 1959.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Walker of Concord, Bell of Plymouth, Rowell of Newport, Atwood of Sanbornton and Craig of Manchester.

On a *viva voce* vote, the Senate voted to accede to the request for a Committee of Conference on the above entitled bills.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Merrill, Anderson and Bergeron.

On motion of Senator Paquette, the Senate adjourned at 4:10 P. M.

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THURSDAY, JULY 18, 1957

The Senate met at 11:00 o'clock.

The President of the Senate appointed Senator Cleveland to preside at today's session of the Senate, who in turn requested Senator Karkavelas to be acting President for today's session.

Senator Karkavelas, District No. 21, presiding.



### **Introduction of Guests**

The President welcomed to the floor of the Senate as the guests of Senator Anderson:

Miss Betty Youmans and Mr. Michael J. O'Malley, both of East Orange, New Jersey.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 269, An Act relative to motor vehicle road tolls and to maintenance allotment by state for class IV and V highways.

HB 477, An Act making appropriations for the expenses of the department of public works and highways for the year ending June 30, 1958, and providing funds for highway improvements.

HB 448, An Act making appropriations for the expenses of the department of public works and highways for the year ending June 30, 1959, and providing funds for highway improvements.

### **Introduction, First and Second Reading of House Bills**

HB 269 to the Committee on Ways and Means.

HB 447 to the Committee on Finance.

HB 448 to the Committee on Finance.

### **House Message (continued)**

The House has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 429, An Act relative to election campaign receipts and expenditures.

The Speaker has appointed as members of such Committee on the part of the House, the Messrs. McMeekin of Haverhill, Lamprey of Moultonborough, and Eastman of Weare.

On motion of Senator Cleveland, the Senate voted to accede to the request of the House for the appointment of a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such Committee on the part of the Senate, Senators Ferguson and Humphreys.

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 268, An Act relative to salaries of justices of the municipal courts of Rochester, Derry and Exeter.

The House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

HB 194, An Act abolishing the civil and criminal jurisdiction of justices of the peace.

HB 437, An Act relative to annual salaries of the Carroll county commissioners.

The House has voted to concur with the Honorable Senate in the passage of the following joint resolution, sent down from the Honorable Senate:

SJR 7, Joint Resolution to provide for an investigation of gasoline and fuel oil prices in the state of New Hampshire.

### **Committee Reports**

HB 141, An Act relative to possession of wild deer meat. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

Senator Rhodes:

"Mr. President, under the present law, it is possible for a person to have deer meat on his property. He can claim that another person shot it and he cannot be convicted. This bill would make it necessary for the deer to be tagged, otherwise the person on whose property it is can be convicted."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 324, An Act relative to taking of clams, clam worms and oysters. Report of the Committee on Fisheries and Game (Senator Rhodes): Ought to pass.

Senator Rhodes:

"Mr. President, what this bill will do: Awhile back, we set up an advisory board relative to these matters in the seacoast region. This bill will make it possible for them to advise the Fish and Game Department. It was found out that some changes would have to be made. This bill will simply leave the control in their hands."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 442, An Act relative to audits of the accounts of the city of Dover. Report of the Committee on Ways and Means (Senator Rogers): Ought to pass.

Senator Rainie:

"Mr. President, this bill simply provides that if the city council of Dover desires to have the state tax commission make an audit, it has the power to do so. Up to this time, the charter has provided that the audits must be made by a certified public accountant. The city authorities have found it is much cheaper to have the tax commission make the audits and this allows that they may do so, if they desire."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 249, An Act relative to the salary of the Hillsborough county solicitor. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

Senator Rainie:

"Mr. President, when this bill went into the House it provided for the appointment of an assistant to the Hillsborough county solicitor and the appointment of an investigator. (\$5,000). The county delegation in the House decided that there was no great need for either of these things and as a compromise they added \$500 to the salary of the solicitor of Hillsborough county. It seemed to me that they would have been wise to provide for the appointment of an investigator, but the delegation did not want it. Only \$500 involved."

Senator Daniel:

"Mr. President, I concur heartily with the remarks of Senator Rainie. Our solicitor is a hard working man and has a heavy docket and should be entitled to this increase."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 434, An Act changing the name of a pond in the town of Middleton. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass.

Senator Bennett:

"Mr. President, this bill changes the name of a pond in the town of Middleton from 'the Dump' to 'Sunset Lake' and there was no opposition at the hearing."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 357, An Act relative to opening season at Bear Brook. Report of the Joint Committee on Resources, Recreation and Development and Fisheries and Game (Senator Horner): Ought to pass.

Senator Bennett:

"Mr. President, for some reason or other, some sections of Bear Brook Park were not opened until November 15th. This bill simply allows people with licenses to hunt starting on October 1st instead of November 15th, except in certain parts where there are campers. Approved by the forestry and recreation commission and there was no opposition at the hearing."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

HB 420, An Act to promote the safety of the public in the use and operation of cable and rope devices for uphill transportation of passengers. Report of the Joint Committee on Resources, Recreation and Development and Finance (Senator Horner): Ought to pass.

Senator Bennett:

"Mr. President, I am also reporting for the Finance Committee, whose Chairman is not here at the present time. This bill concerns a safety device commission which would inspect and supervise the direction and maintenance of all ski tows in the state. The Committee has held a lengthy hearing two or three weeks ago. Several people appeared in favor of the bill, including private owners in the state. This would be done by owners of these devices, and a registration fee would be charged. This bill has an appropriation of \$4,000 for the first year and it is anticipated that after that it will be on its own and will be self liquidating."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 210, An Act relative to the military staff of the Governor. Report of the Committee on Military and Veterans' Affairs (Senator Daniel): Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the military staff of the governor and to qualification of the adjutant general

Amend said bill by inserting after section 1 the following new section:

2. *Prior Service not Required.* Amend paragraph I of RSA 110-A:8 as inserted by 1957, 147, by striking out the same and inserting in place thereof the following:

I. The adjutant general shall be appointed as provided in the constitution, and his tenure of office shall be until he shall have reached the age of sixty-five years. At the time of his appointment, he shall have had not less than five years' service in the national guard of this state or in the military forces of the United States. He shall have initially the rank of brigadier general but after two years' service in that rank he may be appointed to the rank of major general. His salary shall be as prescribed by law.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Senator O'Brien, the reading of the amendment was dispensed with.

Senator O'Brien:

"Mr. President, the amendment just adds three words 'of military service' to the present military law. This bill promotes the Governor's military staff from Majors to Colonels. It is an honorary position and carries with it no compensation to the people involved and it is a promotion that has long been overdue; the last promotion was made in 1917. Since that time, they have been serving as Majors. The main reason in making this promotion is a courtesy to the Governor. The Governor meets from time to time with the Governors of all the other states who usually take their military aides. It is embarrassing to have our Governor meet with the other Gover-

nors whose aides are Majors, to have his aides rank only as Colonels. It is just a plain honor that goes with the dignity of being Governor. We certainly do not wish to embarrass our Governor at meetings of Governors of all the various states. Practically everyone was in favor."

Senator English inquired of Senator O'Brien:

"Do I understand that it is a promotion to full Colonel or Lt. Colonel?"

Senator O'Brien replied: "Full Colonel."

Senator Lamontagne:

"Mr. President, I would like to point out a few facts about the amendment to which I am opposed, but on which I am not going to offer too much opposition. I would like to explain to the Senate what they are being faced with. The matter of five years' service before a man can become adjutant general of our state. The adjutant general that we have now — I believe that he is doing a fine job. I think that that was a very good appointment. Now, for instance, if you have another appointment — in case he should resign — then if we had a person who would be qualified, but who was a civilian — this amendment would prevent him from being appointed. I think that in the past it has worked out well and I cannot see this amendment, I am going to vote against the amendment, but in favor of the bill as it was presented. The only thing that bill does is to promote from major to colonel. They have to buy their own uniform. It is no cost to the state, and I personally believe that when our governor goes out of the state he should have the same rank for his aides as do other states. In favor of the bill."

Senator Packard:

"Mr. President, I think just a matter of information about the amendment. The original bill stated that a man must have five years of active service before being appointed to the office of adjutant general. However, in discussing this matter, the committee felt because of the fact that he had not served five years, was not right. The committee added five years in the National Guard or in military service. It was the original intent not to make it possible to appoint a strict civilian. That makes the appointment political which we did not want it to be."

On a *viva voce* vote, the amendment was adopted.

Senator Lamontagne wish to be recorded as voting against the adoption of the amendment.

The bill being on its second reading, was still open to further amendment.

Senator Cleveland offered the following amendment:

Amend said bill by striking out section 1.

Further amend said bill by renumbering sections 2 and 3 to read sections 1 and 2.

Senator Cleveland:

“It is clear what my amendment does. It takes out the first provision of the bill which raises the military aides to the governor from major to colonel. It leaves in the bill the provision that Senator Packard has just described. We went through this at some length when the military bill went through. I wish to state, from personal experience, that it is unfair to give the rank of colonel to enable civilians with no military experience to wear the uniform with eagles on the shoulder. I have served under men who have obtained those eagles as a result of a lifetime of service in the army and to me it is unfair and derogatory to the rank. I do not believe that anyone who is not familiar with this can understand the meaning of this. They may spend an entire lifetime to obtain that insignia of rank. To me, it is unthinkable. I believe the thought is good, but I cannot in good conscience let this go through without offering this amendment and hope the Senate will go along with it. I do not suppose it would be so bad if it was lt. colonel, but colonel, which is only one step from general, that is the end of the line — I do not think it fair. Just by the appointment of the governor. Some fine men have spent their whole life in the service of our country and to make our freedom possible — I cannot see political bestowal of that honor to civilians.”

Senator Daniel inquired of Senator Cleveland if he were speaking as majority leader or as an individual.

Senator Cleveland replied:

“I believe I am speaking as an individual. I don’t believe the administration has taken a position.”

Senator Daniel:

“Oh, yes, you know it has. The governor has sent in his

personal plea. He has sent Mr. Perkins before our committee. He has said that all military aides to other governors — they the majors, but our governor has only colonels. The governor did not sponsor this, but would like to have it go through.”

Senator Cleveland:

“In answer to your questions and under the circumstances, I am speaking as an individual.”

(Discussion ensued)

Senator Daniel read from the minutes of the committee hearing on the above bill:

Senator Caron and Senator Lamontagne in favor of the bill.

Mr. Sawyer, representing the American Legion, in favor of the bill.

Representative Bloomfield of the House in favor.

Attorney Perkins, representing the front office appeared in favor of the bill.

Senator Holmes appeared against the bill.

Senator Holmes:

“Mr. President, I was at the hearing. I did oppose the bill. I opposed it on the Senate floor. I opposed it on the same grounds as Senator Cleveland. I oppose it on those grounds. I cannot see the reason for giving this honor. There are plenty of good men in this state who have served as generals or admirals in the service of this country, and I believe they could be appointed as military aides. Vermont does not have military aides. I also understood the Governor’s representative to day that he was speaking for himself, and not for the front office. I have no desire to take away from the rank and honor of the Governor. This bill, as it is now would not prevent him from appointing an admiral or a general, if he wishes. I have only been in opposition on one issue and that was on the point of crippled children. I don’t think the Governor meant that as a personal quarrel between him and me. I will support the position of Senator Cleveland.”

Senator Adams moved the previous question. Seconded by Senator Caron.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.



Question being on the adoption of the amendment offered by Senator Cleveland.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

### Concurrent Resolution

Senator Lamontagne offered the following Concurrent Resolution:

*Whereas*, it seems to be desirable and in the best interests of the General Court to meet daily from July 22, 1957, to July 26, 1957, to expedite the work of the General Court, therefore be it

*Resolved by the Senate, the House of Representatives concurring:*

That the General Court meet daily during the week of July 22, 1957.

(Discussion ensued)

Senator Lamontagne and Senator Cleveland spoke in favor.

Senator Adams and Senator Rainie spoke against.

Senator Merrill stated that he felt it would expedite matters if the Finance Committee worked some extra days, but could see the need for the entire Senate.

Question being on the adoption of the above Concurrent Resolution.

On a *viva voce* vote, the negative prevailed, and the Concurrent Resolution was not adopted.

On motion of Senator Cleveland, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

SJR 9, Joint Resolution relative to a study of water supplies in the seacoast region of the state. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass.

Senator Cleveland:

"Mr. President, the only thing controversial about this is, the administration is in full support of it. It was introduced by Senators Karkavelas and Humphreys and it calls for an

extensive study of the water situation in the seacoast area. No cost."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Adams moved that the Senate reconsider its vote whereby it ordered SB 210 to a third reading.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Nine Senators voted in the affirmative and nine Senators voted in the negative, the Chair voted in the negative, and the motion was lost.

### Report of Committee of Conference

The Committee of Conference, to whom was referred Senate Bill No. 192, An Act relative to acquisition of recreational area in Monadnock area, having considered the same, recommend that the Senate recede from its position of non-concurrence in the amendment proposed by the House and concur with said amendment, and further recommend that the House and Senate concur in the adoption of the following amendment to said bill:

Amend section 4 of said bill by striking out the last two sentences and inserting in place thereof the following: The governor and council may acquire the site so recommended and provide for improvements thereon. When the area has been acquired and improved it shall be maintained under the jurisdiction of the recreation division of the forestry and recreation commission, so that said section as amended shall read as follows:

4. *Report; Acquisition of Site.* If the commission is of the opinion that an area can be developed in the Monadnock area, as above indicated, which may be purchased within the limits of the appropriation provided in section 5, it shall recommend to the governor and council that the state acquire the site so recommended. The governor and council may acquire the site so recommended and provide for improvements thereon. When the area has been acquired and improved it shall be maintained under the jurisdiction of the recreation division of the forestry and recreation commission.

E. EVERETT RHODES,  
JAMES P. ROGERS,  
*Conferees on the part of the Senate.*

BASIL BROADHURST,  
LOUIS S. BALLAM,  
LAURENCE M. PICKETT,  
*Conferees on the part of the House.*

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference.

The Committee of Conference, to whom was referred Senate Bill No. 80, An Act relating to the expiration of void mortgages, having considered the same, report the same with the following recommendations:

That the House recede from its position in adopting its amendment, that the Senate recede from its position of non-concurrence, and that the House and Senate adopt the following amendment:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Real Estate Mortgages.* Amend RSA 479 by adding at the end thereof the following new subdivision:

**Limitation on Undischarged Mortgages.**

479:28. *Void After Fifty Years.* From and after January 1, 1960, all undischarged mortgages of real estate which shall have been on record for a period of more than fifty years and which attain such age subsequent to January 1, 1960, shall be void; provided however, that a mortgagee or assignee of such a mortgage may continue the same in its full legal effect and priority, for an additional period of fifty years from date of such action, by recording at any time within such fifty year period an affidavit signed by the mortgagor and the mortgagee or assignee stating that the mortgage is not discharged but is still in full force and effect. All such mortgages which shall have been on record for a period of more than fifty years on or before January 1, 1960, shall become void on January 1, 1960, unless prior to that date the mortgagee or the assignee of such a mortgage shall have recorded an affidavit signed by the mortgagor and the mortgagee or assignee stating that the mortgage is not discharged but is

still in full force and effect, and upon the recording of such an affidavit such mortgage shall retain its full legal effect and priority for an additional period of fifty years from the date of such recording.

479:29. *Exception.* The preceding section shall not apply to mortgages held by banks, trust companies, building and loan associations and federal savings and loan associations, whether as named mortgagee or assignee of record.

J. C. CLEVELAND,  
LOUIS W. PAQUETTE,

*Conferees on the part of the Senate.*

MARTHA McD. FRIZZELL,  
FRANK J. BENNETT,  
DANIEL J. HEALY,

*Conferees on the part of the House.*

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

On motion of Senator Cleveland, the Senate voted to adopt the report of the Committee of Conference.

### Concurrent Resolution

On motion of Senator DeLude, the following Concurrent Resolution sent up from the House of Representatives was concurred in by the Senate.

relative to a marine biological laboratory for the University of New Hampshire at Newington.

*Whereas, the* Department of Zoology at the University of New Hampshire has a dedicated interest in and qualified personnel for marine biological research and instruction; and

*Whereas, the* Department's personnel might pursue this objective more advantageously with a proper marine location; and

*Whereas, there is a need for properly trained specialists in marine biology; and*

*Whereas, no other state university north of Cape Cod is located near the Atlantic Coastal waters; and*

*Whereas, the State of New Hampshire by Executive Order on September 28, 1951 assigned to the University a site*

of 3.6 acres near the eastern terminus of the Sullivan Bridge in the Town of Newington on the Piscataqua River at the entrance to the Great Bay Area intended and ideally suited for a marine biological laboratory; and

*Whereas*, the development of the state by the University would enhance the appearance of state-owned property adjacent to the Spaulding Turnpike, now therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

*That* the President of the University of New Hampshire be instructed to cause his staff to make a study of the feasibility, plans for operation, staffing, costs, and other data necessary to an appraisal of this subject and submit his report to the legislature no later than January 15, 1959, citing this resolution as his directive.

On motion of Senator Humphreys, the following resolution was adopted:

*Resolved*, that the rules of the Senate be so far suspended for the balance of the session to permit that all hearings may be published in the Journal only on one occasion, rather than two.

### House Message

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 171, An Act relative to rights of surviving husband and wife.

Amend section 2 of said bill by striking out the word "one" in the fourth line and inserting in place thereof the word, two, so that said section as amended shall read as follows:

2. *Widow, Personnalty.* Amend RSA 560:10 by inserting after paragraph III the following new paragraph: IV. If intestate, and he leaves no issue sur surviving him, nor mother or father, nor sister or brother surviving him, ten thousand dollars of the value thereof, plus two thousand dollars for each full year from the date of marriage to decease of spouse, and also one half in value of the remainder above said sum computed as above.

Amend section 4 of said bill by striking out the word "one" in the fourth line and inserting in place thereof the word, two, so that said section as amended shall read as follows:

4. *Special Cases.* Amend RSA 560:11 by inserting after paragraph III the following new paragraph: IV. If intestate, and he leaves no issue surviving him, nor mother or father, nor sister or brother surviving him, ten thousand dollars of the value thereof, plus two thousand dollars for each full year from the date of marriage to decease of spouse, and also one half in value of the remainder above said sum computed as above; and the same shall be assigned to her in the manner as dower is assigned. But where the inventory value of all his real estate does not exceed ten thousand dollars she shall be entitled to the whole of said remainder and no assignment of the same to her shall be required unless some party in interest shall petition the probate court therefor.

Amend section 6 of said bill by striking out the word "one" in the fourth line and inserting in place thereof the word, two, so that said section as amended shall read as follows:

6. *Special Cases.* Amend RSA 560:12 by inserting after paragraph III the following new paragraph: IV. If intestate, and she leaves no issue surviving her, nor mother or father, nor sister or brother surviving her, ten thousand dollars of the value thereof, plus two thousand dollars for each full year from the date of marriage to decease of spouse, and also one half in value of the remainder above said sum as computed above.

Amend section 8 of said bill by striking out the figures "360:13" in line one and inserting in place thereof the figures, 560:13; and further amend said section by striking out the word "one" in the fourth line and inserting in place thereof the word, two, so that said section as amended shall read as follows:

8. *Special Cases.* Amend RSA 560:13 by inserting after paragraph IV the following new paragraph: V. If intestate, and she leaves no issue surviving her, nor mother or father, nor sister or brother surviving her, ten thousand dollars of the value thereof, plus two thousand dollars for

each full year from the date of marriage to decease of spouse, and also one half in value of the remainder above said sum computed as above; and the same shall be assigned to him in the same manner as dower is assigned to a widow. But where the inventory value of all her real estate does not exceed ten thousand dollars he shall be entitled to the whole of said remainder and no assignment of the same to his shall be required unless some party in interest shall petition the probate court therefor.

On motion of Senator Cleveland, the reading of the amendment was dispensed with.

Senator Cleveland:

"It is my understanding that the House simply changed the words one to two wherever it appears. This bill passed the Senate two or three weeks ago. It provided that for each year married, the widow would be entitled to \$1,000. The House has amended that to read for each year married, be entitled to \$2,000."

On motion of Senator Cleveland, the Senate voted to concur in the adoption of the amendment.

#### **House Message (continued)**

The House of Representatives has passed the following bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 317, An Act relative to an appropriation for matching town funds for airport construction.

HJR 38, Joint Resolution relative to a study of the pollution problem of the Great Bay watershed.

#### **Introduction, First and Second Reading of House Bill and Joint Resolution**

HB 317 to the Committee on Finance.

HJR 38 to the Committee on Finance.

#### **House Message (continued)**

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank.

Amend said bill by inserting after section 3 the following new section:

4. *Water Resources Board.* Amend RSA 481:19 by striking out the words "provided that the aggregate principal amount of bonded indebtedness which may be so guaranteed shall not be in excess of nine hundred thousand dollars" so that said section as amended shall read as follows: 481:19. *Bonds Guaranteed.* The governor with the advice and consent of the council is hereby authorized in the name of the state to guarantee in such manner as they may determine, the payment of the whole or any part of the principal and interest of any bonds to be issued by the corporation hereunder, whether or not the same are secured by a first, junior or other lien upon revenues from projects. The full faith and credit of the state shall be pledged to the performance of such guarantee by the state. In the event that the corporation shall default in payment of interest or principal upon any of the bonds so guaranteed by the state the governor with the advice and consent of the council may draw his warrant upon the treasury out of any money not otherwise appropriated for the payment of such interest or principal to the extent of such guarantee and the sums so paid shall be recoverable from the corporation.

Further amend said bill by renumbering section 4 to read section 5.

Senator Rogers:

"It appears that the Water Resources Board frequently issue in the case of projects approved by the governor and council. The Water Resources Board is now taking over the construction of a dam on the Winnepesaukee River. They desire to have the bonds purchased by banks in the state of New Hampshire, in the amount of \$900,000. They find that these bonds are not legal for the savings banks of the state of New Hampshire. The Water Resources Board wishes to handle this one of two ways: 1. To have the state pledge in faith or 2. amend so that they will be legal investment. It appears this morning that the House has passed a different amendment which accomplishes the purpose, but by a different



route. This amendment in effect guarantees the bonds of the Water Resources Board."

Senator Bennett inquired of Senator Rogers:

"Do I understand that the main text of the bill remains intact?"

Senator Rogers replied in the affirmative, and further stated:

"I do not know why this bill was used for this amendment. Another bill was intended to be used, when it was found that there was a Senate bill under consideration in the House. It was to be presented as an amendment to HB 176, but it was put on SB 206."

Senator Rainie inquired of Senator Rogers:

"What is the main part of this bill?"

Senator Rogers:

"The original intent was to amend the charter of a bank in Lancaster."

Senator Rainie:

"I thought that was true. This amendment is not germane to the original bill. It may be perfectly all right, but I surely do not go along with that procedure."

On motion of Senator Cleveland, the above entitled bill, with accompanying report, was laid upon the table and made a Special Order of Business for next Tuesday morning at 11:02 o'clock.

The House has voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendment, the House asks the concurrence of the Honorable Senate:

HB 335, An Act relative to the state's share of the school superintendents' salaries.

Amend section 1 of said bill by striking out the last seven lines and inserting in place thereof the following:

The state board of education is hereby instructed to adjust the state's share of the superintendents' salaries in each successive biennium so that in so far as is possible, the present relationship between the equalized valuations of the supervisory unions and the state's share of the superintendents'

salaries will be maintained. Notwithstanding any other provisions hereof the state's share of the annual salary of any superintendent in a supervisory union which has a helping teacher shall be fixed at twenty-five hundred dollars per year. The state's share of the annual salaries of any assistant superintendent or helping teacher shall be fixed at twenty-five hundred dollars per year.

On motion of Senator Holmes, the Senate voted to concur in the adoption of the amendment.

The House concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Forestry and Recreation Commission.* Amend RSA 219 by inserting after section 7 the following new section: 219:7-a. *Islands.* The following described islands in the following lakes or ponds are hereby placed within the jurisdiction of the forestry and recreation commission, as public reservations: (1) Loon Island in Keysar Lake in the town of Sutton; (2) Small Island in Sand Pond in the town of Marlow; (3) Ingalls Island in Rocky Pond in the town of Canterbury; (4) North Island in Rocky Pond in the town of Gilman-ton; (5) Three Islands in Ledge Pond in the town of Sunapee; (6) An island in Wheelright Lake in the town of Lee; (7) An island located in Kingswood Lake (formerly Cook's Pond) in the town of Brookfield; and (8) Seven Islands in Pleasant Pond in the town of Danbury.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

Senator Bennett:

"Mr. President, this bill passed the Senate and went into the House committee where all of a sudden there was a great deal of evidence that some parties held warranty deeds to the islands that were affected, including myself, much to my embarrassment. The bill was held in committee and the thinking

of the House committee was that the bill would be withdrawn or killed unless there was conclusive proof of no valid title. Mr. Hale proved conclusively to the House committee that there was no valid title to the other islands. The amendment takes out the ponds in Grafton and Lebanon."

(Discussion ensued)

On motion of Senator Cleveland, the matter of concurrence was made a Special Order of Business for next Tuesday morning at 11:03 and the bill as it is now amended be printed in the Senate Journal.

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

1. *Forestry and Recreation Commission.* Amend RSA 219 by inserting after section 7 the following new section: 219:7-a. *Islands.* The following described islands in the following lakes or ponds are hereby placed within the jurisdiction of the forestry and recreation commission, as public reservations: (1) Lone or Loon island in Keysar lake in the town of Sutton; (2) Small island in Sand pond in the town of Marlow; (3) Ingals island in Rocky pond in the town of Canterbury; (4) North island in Rocky pond in the town of Belmont; (5) three islands in Ledge pond in the town of Sunapee; (6) an island in Wheelright lake in the town of Lee; (7) an island in Cooke's pond in the town of Brookfield; (8) seven islands in Pleasant pond in the town of Danbury and (9) five islands in Grafton pond in the town of Grafton.

2. *Application.* Nothing contained herein shall confer authority in the Forestry and Recreation Commission to dispose of said islands by sale.

3. *Takes Effect.* This act shall take effect sixty days after its passage.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session

#### Third Reading of Bills and Joint Resolution

The following bills and joint resolution were read a third time, and passed:

SB 210, An Act relative to the military staff of the governor and to qualification of the adjutant general.

SJR 9, Joint Resolution relative to a study of water supplies in the seacoast region of the state.

HB 141, An Act relative to possession of wild deer meat.

HB 249, An Act relative to the salary of the Hillsborough county solicitor.

HB 324, An Act relative to taking of clams, clam worms and oysters.

HB 357, An Act relative to opening season at Bear Brook.

HB 420, An Act to promote the safety of the public in the use and operation of cable and rope devices for uphill transportation of passengers.

HB 434, An Act changing the name of a pond in the town of Middleton.

HB 442, An Act relative to audits of the accounts of the city of Dover.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills and House joint resolution:

HB 194, An Act to abolish the civil and criminal jurisdiction of justices of the peace.

HB 268, An Act increasing the salaries of the justices of the Rochester, Derry and Exeter courts.

HB 300, An Act providing for a first aid room in the state house.

HB 421, An Act making appropriation for the Governor's legal counsel.

HB 437, An Act relative to annual salaries of the Carroll County Commissioners.

HJR 36, Joint Resolution for the protection of the Old Man of the Mountains.

NEILE L. HOLMES,  
*For the Committee.*

The report was accepted.

The Presiding officer was complimented by Senators Adams, DeLude and Rogers on the very efficient manner in which he had presided over today's session.

On motion of Senator Packard, the Senate adjourned at 1:10 o'clock to meet next Tuesday morning at 11:00 o'clock.

TUESDAY, JULY 23, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed to the floor of the Senate and as the guests of the five Senators from Manchester a number of teachers and firemen from the city, as follows:

Jack B. Middleton, James G. Diamantio, Austin E. Frain, Martin Glannon, Joseph Kane, and John C. Kabachus, Fire Fighters Int'l V.P. New England Area.

Walter J. Tafe, Joseph E. Bronstein, Mrs. Carl S. Rienert, James F. McKeon, Carl Rienert, Margaret H. O'Brien, Virginia Doherty, Marion M. Newton, Adelaide Dodge, Mary K. Moher, Julia R. McKeon, Catherine O'Leary, Kathryn Morse, Gertrude O'Leary, Frances Carroll, Michael J. Murphy, Jr., William R. McAllaster, Dorothy M. Douglass, Josephine Carey, Elizabeth H. Sutherland, Catherine Manseau, Genevieve O'Connell, and Irene V. Ramsdell.

### **House Message**

The House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 39, Joint Resolution relative to a special committee to study the railroad problem in the state.

### **Introduction, First and Second Reading of House Joint Resolution**

HJR 39 to the Committee on Transportation.

### **House Message (continued)**

The House of Representatives has voted to adopt the reports of the Committee of Conference on the following entitled bills, sent down from the Honorable Senate:

SB 80, An Act relating to the expiration of void mortgages.

SB 192, An Act relative to acquisition of recreational area in Monadnock area.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 176, An Act relative to examination of banks by bank commissioner.

The House refuses to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 40, An Act providing for an open season for taking fisher.

SB 167, An Act relative to dogs pursuing or maiming deer.

SB 195, An Act relative to public weighers.

### Report of Committee of Conference

The Committee of Conference, to whom was referred SB 147, An Act relative to children acting as caddies or delivering newspapers, having considered the same, report the same with the recommendation that the House recede from its position in the adoption of its amendment, that the Senate recede from its position of non-concurrence, and further recommends that the Senate and House concur in the adoption of the following amendments to said bill:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the employment of children.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Employment of Children.* Amend RSA 276:1 by striking out said section and inserting in place thereof the following: 276:1. *Under 14.* No child under the age of fourteen shall be employed or permitted or suffered to work in any occupation except (1) farm labor or domestic labor or (2) as a caddy at golf links, or (3) in the door-to-door delivery of newspapers, or (4) for work on church grounds and at religious meetings, in the employ of the religious organization.

2. *Limitations.* Amend RSA 276:6 by inserting at the end thereof the following: and (3) that a boy twelve years old or over may be employed for work on church grounds and at religious meetings in the employ of the religious organization, so that said section as amended shall read as follows: 276:6. *Hours.* Except as provided in chapter 275 RSA, no minor under the age of sixteen years, shall be employed, or

permitted or suffered to work at any gainful occupation, more than fifty-four hours in any one week, nor more than ten and one-quarter hours in any one day; nor before the hour of half-past six o'clock in the morning, nor after the hour of seven o'clock in the evening, except (1) that boys twelve years old or over may deliver newspapers after five o'clock in the morning or between four and eight o'clock in the evening, and (2) that a boy twelve years old or over may act as caddy at golf links, and (3) that a boy twelve years old or over may be employed for work on church grounds and at religious meetings, in the employ of the religious organization. Provided further that during the summer school vacation period, such minor may be employed until 9:00 o'clock in the evening provided that such minors shall not work more than eight hours in any twenty-four hour period or more than forty-eight hours in any one week.

3. *Employment Certificates.* Amend RSA 276:7 by striking out said section and inserting in place thereof the following: 276:7. *When Required.* No child under sixteen years of age shall be employed or permitted or suffered to work, in, about or in connection with, any place or establishment, unless the person, firm, or corporation employing such child, procures and keeps on file and accessible to any truant officer, or other authorized inspector, an employment certificate as hereinafter prescribed. Provided, however, that the provisions hereof shall not apply to the employment of children under the age of sixteen years of age in farm labor, or domestic labor, or as a caddy at golf links or in the door-to-door delivery of newspapers or for work on church grounds and at religious meetings, in the employ of the religious organization.

4. *Takes Effect.* This act shall take effect upon its passage.

DANIEL A. O'BRIEN,  
BENJAMIN C. ADAMS,

*Conferees on the part of the Senate.*

GEORGE W. ANGUS,  
DORA M. SPOLLETT,  
JOHN W. KING,

*Conferees on the part of the House.*

On motion of Senator O'Brien, the reading of the amendments was dispensed with.

Senator O'Brien:

"Mr. President, the only change that has been made in the bill is the elimination of the part of the bill that had to do with children as domestic help."

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

### Committee Reports

SB 208, An Act relative to abatement for overpayment of income taxes. Report of the Committee on Judiciary (Senator Humphreys): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Income Taxes.* Amend RSA 77:25 by striking out said section and inserting in place thereof the following: 77:25. *Application for Abatement.* Upon written application therefor made by a taxpayer within three years from the due date of the tax that an overpayment of the tax was made, the tax commission, upon proof thereof, may abate the amount of such overpayment. When an overpayment of the tax is refunded the amount thereof shall be withheld from any future distribution of the tax due to the town or city in which the taxpayer resided.

2. *Assignment of Income.* Amend RSA 77 by adding after section 4 the following new section: 77:4-a. *Assignment of Income.* Whenever a person taxable hereunder has assigned, by virtue of a court order or decree, any part of the income taxable hereunder, to a non-resident of this state, the amount of the income so assigned shall be deducted from the amount of income otherwise taxable in this state under this chapter.

3. *Deduction of Interest Paid.* Amend RSA 77 by adding after section 6 the following new section: 77:6-a. *Deduction of Interest Paid.* A taxpayer may deduct from any income taxable under this chapter the amount of interest, if any, paid by him upon any loan for which any securities or other property of the classes designated herein producing taxable income are held in pledge, or on margin or otherwise as



security, but not in excess of the income from the securities so pledged, on margin or otherwise as security for debt of the owner.

4. *Question on Inventory Blank.* Amend RSA 77 by adding after section 30 the following new section: 77:30-a. *Question on Inventory Blank.* The inventory blank referred to in RSA 74:4 shall contain the following question: "Do you receive any income from a bank, a fiduciary, a trustee, or trustees, who are not residents of this state?"

Further amend said bill by renumbering section 2 to read section 5.

The reading of the amendment was dispensed with, inasmuch as same was printed in the Journal.

Senator Cleveland:

"Mr. President, the first section on page 1037 is the original bill and that was amended by the adding of a very few words. This was introduced at the request of the tax commission because there is now no method whereby a person who makes overpayment can get his money back. Section 2 refers to the case where somebody has assigned their income if they have done this pursuant to a court order. Section 3 is already covered by federal legislation, but not by state legislation, dividends posted to ensure a debt. The person does not actually receive the income and it seemed unfair to tax them. Finally, we have added a question on the inventory blank which goes out to the selectmen of the towns. Many people are unaware of the tax on interest and dividends. They do not know that they are subject to this tax and this question on the inventory blank will enable the selectmen to check up and find if they are paying this tax as they should."

The amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 95, An Act relative to lay out of class I and II highways and assessment of damages. Report of the Committee on Public Works (Senator Bennett): Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to change of classification of roads in Bethlehem.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Roads in Bethlehem.* The Class II highway known as Trudeau Road between U. S. 3 and Route U. S. 302 and the Class II highway known as the Bethlehem Hollow to Bethlehem Junction Road shall hereafter be classified as Class V Highways.

2. *Transfer of Funds.* The sum that has been apportioned by the state for the construction of the above named roads as secondary highways together with the amount contributed by the town shall be transferred to the town road aid account for the town of Bethlehem and made available for expenditure on these highways and expended under the supervision of the commissioner of public works and highways.

3. *Effective Date.* This act shall take effect upon its passage.

Senator Rogers:

“Mr. President, the title of this bill was amended to read, An Act relative to change of classification of roads in Bethlehem. This legislation was introduced at the request of the highway department and the selectmen of the town of Bethlehem, who agreed that it was in the interests of the town to have two sections of road reclassified. These two sections total about 2 and  $\frac{3}{4}$  miles. They are presently under the improved secondary state highways. The town has to its credit in the highway department fund about \$70,000 which will be sufficient, or will go a long way at least, to reconstruct these roads as improved town roads. It might take another 20 years to accumulate enough funds to improve these roads. Therefore, the town of Bethlehem requested the reclassification of these two roads. They will receive the funds towards the reconstruction of town highways that has been allowed for the purpose of reconstruction. I urge that the Senate approve the amendment.”

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 211, An Act relative to tax exemption for the blind.

Report of the Committee on Ways and Means (Senator Rainie): Ought to pass with amendment.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Applications and Investigation.* All applications made under the foregoing section shall be subject to the provisions of RSA 72:33 and 72:34.

3. *Takes Effect.* This act shall take effect as of April 1, 1958.

Senator Rainie:

"Mr. President, the only change that this bill makes in the present law is the exemption of the blind as far as property is concerned in the amount not exceeding \$10,000. It changes the amount from \$5,000 to \$10,000. It puts it on the same basis as disabled veterans. The tax commissioner felt that this paragraph has been open to criticism. This prompted the amendment. The limitation that now applies to disabled veterans will apply also to the blind."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 339, An Act relative to the government of the city of Concord. Report of the Special Committee composed of Senators Cleveland, Anderson and Rainie: Ought to pass with amendment.

The Chair stated:

"The Chair would rule that inasmuch as this amendment is long, it should be printed in the Journal."

Senator Rainie:

"Mr. President, the only factors in connection with this bill are the citizens of Concord and the House delegation is in accord with the amendment, which is in the hands of the President. In other words, there is no longer any difficulty about this matter and I would move that the order for printing in the Journal be vacated."

On a *viva voce* vote, the affirmative prevailed, and the order was vacated.

On motion of Senator Rainie, the reading of the amendment was dispensed with.

Senator Rainie:

"Mr. President, although this amendment is bulky and long, there is very little variance from the original bill. Everything has been approved by the House delegation. The charter that appeared in the original bill was defective and those defects have been corrected. The matter of referendum has all been agreed to by all parties concerned and my understanding is that this amendment bill is favored by all those contacted."

Senator Adams:

"I would call attention to the fact that although Senator Rainie objected strenuously last week to amendments to a Manchester bill not being printed, we have made no objection to his amendment not being printed or read."

Senator Rainie:

"I have no objection if Senator Adams wishes it to be printed. If Senator Adams feels that this should be done, we will be glad to hear from him."

Senator Adams indicated that he had nothing further to say.

Senator Anderson:

"Mr. President, being one of the members of the Special Committee in hearing this bill, I think that the people of Concord are getting what they asked for. At this time, I want to pay special compliment to Senator Rainie for the work that he has put into this bill. It has been an exacting job and has involved many conferences with the members of the delegation in the House. This is a good bill for the city of Concord."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

The amendment as adopted will be printed in a later Journal.

On motion of Senator Rainie, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of Bill**

The following entitled bill was read a third time, and passed:

HB 339, An Act relative to the government of the city of Concord.

HB 249, An Act relative to the salary of the Hillsborough county solicitor. Report of the Committee on Engrossed Bills (Senator Horner): Under Joint Rule No. 6 with the following amendment.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Hillsborough County.* Amend RSA 7:35 as amended by 1955, 247:2, 1957, 34:1, 1957, 211:1 by striking out the word "thirty-three" in the eighth line and inserting in place thereof the word, thirty-eight, so that said section as amended shall read as follows: 7:35. *Salaries.* The annual salaries of the solicitors in the several counties shall be as follows:

In Rockingham, twenty-two hundred dollars.

In Strafford, twenty-five hundred dollars.

In Belknap, two thousand dollars.

In Carroll, two thousand dollars.

In Merrimack, twenty-five hundred dollars.

In Hillsborough, thirty-eight hundred dollars.

In Cheshire, two thousand dollars.

In Sullivan, two thousand dollars.

In Grafton, twenty-four hundred dollars.

In Coos, twenty-four hundred dollars.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Takes Effect.* The increase in salary for the Sullivan county solicitor shall be effective as of January 1, 1958. The remaining provisions of this act shall take effect upon its passage.

On motion of Senator Horner, the reading of the amendment was dispensed with.

On a *viva voce* vote, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

### Special Order of Business — 11:01 O'Clock

Senator Merrill called for the Special Order.

It being consideration of Finance Committee report, Ought

to pass, on HB 292, An Act relative to purchasing liability insurance at state recreation facilities.

Senator Merrill:

"Mr. President, this particular bill, as I believe the Senate knows, would eliminate property coverage on Cannon Mountain and Sunapee Tramways and would provide that they place liability insurance on all the recreational areas. The committee reported the measure on an Ought to pass basis, but after giving the matter considerable thought over the weekend, I personally have come to the conclusion, in light of comment made by other Senators both for and against this proposal, that the Senate would be in a better position to maintain the property damage on the tramways and keep the present liability coverage as they are on the two areas and let any claims that might be presented to take the usual course in the Legislature. I believe Senator Adams opposed the dropping of the property coverage rather strenuously. When you begin to consider things, I think we might all have some doubts as to the judgment of dropping it. These installations cost a lot of money and they take a long time to erect. If there was any catastrophe, such as forest fire, in the mountain area, it would certainly cause a tremendous loss in these recreational areas. A landslide is a matter which is important to think about. Wind storms could, of course, assume proportions to cause damage. Therefore, while my committee did have a favorable report on it, I just wanted to offer these particular comments for the thinking of the members and I will await any motion the Senate desires to make."

The Chair inquired of Senator Merrill if the Finance Committee was changing their report.

Senator Merrill:

"No. I would say that I have not had the opportunity of discussing this with his committee."

Senator Packard:

"Mr. President, I share the views presented by Senator Merrill and I move that further consideration of this bill be indefinitely postponed."

Senator English:

"Mr. President, I feel that I should say just a few words

in favor of the original committee report in any event because there is here a problem involved, should a state insure itself. Naturally, it is to the benefit of insurance companies. I have here a letter from the executive secretary of the organization, suggesting the dire calamities that might happen and the position in which the state might find itself; forest fire, which might destroy the tramway and destroy the scenic beauty, and the question of earthquakes — this area has not known earthquakes in recent times, but if we did have one, not very likely the tramway would be destroyed. As far as slides are concerned — they are usually on a minor scale. In my opinion, for what it is worth, the damage would be negligible I must say these few words. I expect you have all received this propaganda — they want this type of insurance. But it is opposition to a very well established principle that the state carry its own insurance.”

Senator Holmes inquired of Senator Merrill:

“If we adopt this motion, just where would we be on this question? In other words, to what extent does the state insure itself? How far are we going in this?”

Senator Merrill:

“At the present time, the law provides that the recreational commission shall insure the Cannon Mountain Tramway and the Sunapee Tramway for so-called property damage insurance — minimum marine coverage which covers a lot of hazards. It also provides that they shall carry liability insurance — insurance to the public on these two areas. Operation is subject to mechanical, faulty defects. There could be very serious effects. The recreation department being a self-supporting department, at the request of the Legislature, feels that they should not jeopardize their income and go without insurance in these areas.”

Senator Rainie:

“I am in opposition to the motion. This bill attempts to do two things, as I understand it. They plan to drop their property insurance at Cannon Mountain and they plan to extend their liability insurance to all recreational areas in the state. As far as the first problem is concerned, as has already been said, the state is its own insurer, except as far as property damage is concerned. More profitable to us to be our own in-

surer. That policy has worked out pretty well except at the state hospital. I discussed this matter with the governor two years ago. The experiences of the state has been surprisingly good. The recreation commission would like to drop this insurance. The second proposition has to do with liability. The state cannot be sued, but a bill can be introduced in the Legislature for this claim. It was deemed wise to put this liability insurance on in some of the areas. The desire of the recreation department is to put it on in all recreational areas, so that a greater justice or a more fair justice may be done. It seems to me that the bill has some merit and appears to be on sound ground. I feel that it is unwise to throw the whole thing out."

(Discussion ensued)

Senator Adams:

"I think the question here is: Should the tax payers of the state assume the risk of loss of Cannon Mountain or Sunapee State Park in a catastrophe? Of course, the state assumes a risk at the state hospital. But this is a business — the state has built these recreational places and I think the tax payers probably expect that they should be self-sustaining. This is a business. Not like other places within the state. They are initiated by the state, but from then on, they should be on their own. When this came up two years ago and I was on the Resources, Recreation and Development Committee, Mr. Tobey appeared and I asked him what would happen if there was a fire and he said that we would have to call a special session of the Legislature to authorize funds to rebuild these facilities. The committee felt that it was unwise and they killed the bill. I urge the Senate to do likewise today."

Senator Cleveland:

"I think there is much in what Senator Merrill has said, but I am a little reluctant to by-pass this proposition of obtaining liability insurance coverage for the other state parks. There is always a question of whether or not you can sue the state when the state is in this business of ski tows, etc. In the case of a municipality which takes out liability insurance to cover them against that risk, then the law is very clear — the individual cannot sue the state and present their claim. We have many state parks, beaches, camping sites and in the in-



terest of the people they should be able to recover their damages. It takes a lot of time to get these claims processed through the general court. I think there is much in what Senator Merrill says about the advisability of the state insuring these large investments, but I also think there is much to be said in extending the liability to the other parks."

Senator Rogers:

"Mr. President, this seems to be a question as to what is good policy for the state. I am against the motion to indefinitely postpone on those grounds. It is generally admitted that insurance is most necessary against catastrophe and unknown hazards. As regards the property damage on Cannon Mountain and Sunapee state park, the maximum loss would be the value of the property itself. I am not very much concerned about the possibility of a forest fire sweeping Cannon Mountain. I have been well aware of damage by forest fires in the state, but certainly in the forests with the present mutual aid set up and local forest wardens, the chance is very, very remote. The chances of an earthquake is even more remote. I am not impressed with this argument which is a well known lobby, which represents a group of very responsible and well meaning citizens, and yet it takes but one letter to completely reverse the whole thoughts of our own Finance Committee. I somewhat deplore the fact that we here should be so completely and so readily influenced by the executive secretary of this well established organization which they themselves would be the first to admit. Liability insurance protects against unknown hazards. It would so protect the Legislature against a multitude of claims. We could get a rush of claims for liability. It is well known that the public generally is becoming more and more conscious of the benefits of collecting insurance, stating negligence. It seems to me that proper liability insurance is the answer. I have not studied this, but it was studied by the committee in the House and by the committee in the Senate and I for one am not ready to jump to this changing of our mind."

Senator Karkavelas moved the previous question, seconded by Senator Caron.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the adoption of Senator Packard that further consideration of the above entitled bill be indefinitely postponed.

Senator Rainie requested a division.

Thirteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the bill was indefinitely postponed.

### **Special Order of Business — 11:02 O'Clock**

Senator Cleveland called for the Special Order.

Question being on concurrence in House amendment to SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank.

On motion of Senator Rogers, the Senate voted to non-concur in the adoption of the amendment to the above entitled bill, sent up from the House of Representatives, and asked that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Anderson and Rogers.

The Chair recognized Senator Caron:

“Mr. President, as a matter of personal privilege. I did want to state while the group of teachers and firemen were here that they were here for the hearing this morning on SB 169. And for the benefit of the Senators that were against this bill, that it would be nice to see these teachers and firemen. There are quite a large number of them and only one person appeared in opposition to the bill.”

### **Special Order of Business — 11:03 O'Clock**

Senator Cleveland called for the Special Order.

Question being on concurrence in House amendment to SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

On motion of Senator Cleveland, the Senate voted to non-concur in the adoption of the amendment and requested that a Committee of Conference be appointed.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Bennett and Cleveland.

### Report of Committee of Conference

The Committee of Conference, to whom was referred SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires, having considered the same, recommend that the Senate recede from its position of non-concurrence in the amendments proposed by the House and concur in said amendments, and further recommend that the House and Senate concur in the adoption of the following additional amendment to said bill:

Amend RSA 154:36 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

154:36. *Appropriations.* Municipalities belonging to such a system may raise and appropriate money for the purposes of the system. Counties in which a system is established may raise and appropriate money for the purposes of the system; provided however that where all the municipalities in the county do not belong to the system, such county appropriations may only be made by the affirmative vote of a two-thirds majority of the county convention present and voting.

E. J. BENNETT,  
ROBERT ENGLISH,

*Conferees on the part of the Senate.*

R. WAYNE CROSBY,  
CHARLES R. EASTMAN,  
L. WALDO BIGELOW, JR.,

*Conferees on the part of the House.*

On a *viva voce* vote, the report of the Committee of Conference was adopted.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of three committee reports, not previously advertised in the Journal.

HJR 62, Joint Resolution in favor of the estates of Harley A. Crandall and James J. Burke. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill:

"Mr. President, this is a routine resolution which provides

the authority to pay the balance of their salaries to their estates.”

The joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Packard, the rules of the Senate were so far suspended as to place the above joint resolution on its third reading and final passage at the present time.

### **Third Reading of House Joint Resolution**

The following joint resolution was read a third time, and passed:

HJR 62, Joint Resolution in favor of the estates of Harley A. Crandall and James J. Burke.

Senator Cleveland moved that the Senate recess until 1:15 o'clock and spoke in favor of this motion,

(Discussion ensued)

Senator Adams and Senator English spoke in opposition.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion did not prevail.

HB 333, An Act relative to mileage allowance for members of the general court. Report of the Committee on Finance (Senator Caron) : Ought to pass.

Senator Merrill:

“Mr. President, there was some difference of opinion on this bill although there is no minority report. We are reporting it out as Ought to pass. The bill provides for an additional 5½ cents per mile for the first 45 miles. The hearing that we held was well attended. Everyone in favor of the bill, except one man who felt that the Legislators should receive more money but he differed in the way that they should get it.”

Senator Cleveland moved that further consideration of this bill be made a Special Order of Business for Thursday morning at 11:01 o'clock, and spoke in favor of the motion.

(Discussion ensued)

Senator Adams spoke in opposition of the motion.

Senator Rogers spoke in support of the motion.

Senator Rainie moved the previous question, seconded by Senators Daniel, Adams and Merrill.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Cleveland for Special Order of Business on HB 333.

Senator Paquette requested a division.

Five Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion did not prevail.

Senator Rainie moved that the above entitled bill be referred to the Supreme Court for a decision as to its constitutionality, and spoke in favor of the motion.

Senator Lamontagne and Senator Adams spoke against the motion.

Senator Cleveland spoke in favor of the motion.

(Discussion ensued)

Senator Paquette moved the previous question, seconded by Senator Caron.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Rainie, on which he demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Bennett, Rogers, Cleveland, Anderson, Rainie and Bergeron.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, DeLude, Rhodes, English, Holmes, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams, Merrill and Humphreys.

Six Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the negative prevailed, and the motion was lost.

Senator English offered the following amendment, and spoke in favor.

That the increase in mileage cease on June 1st of each session of the legislature and from then on the present rate will be in effect.

Senator Adams stated that Senator English's idea was an excellent one, but not practical at this time.

On a *viva voce* vote, the Clerk was in doubt.

Senator Lamontagne requested a division.

Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Bennett, Rogers, Cleveland, DeLude, English, Holmes, Rainie, Bergeron and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgden, Anderson, Rhodes, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams and Merrill.

Nine Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Question being, Shall the bill be ordered to a third reading?

On this question, Senator Humphreys demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Cleveland, DeLude, Rhodes, English, Holmes, Paquette, Caron, Provost, Daniel, Bergeron, Karkavelas and Adams.

The following named Senators voted in the negative: Hodgdon, Bennett, Rogers, Anderson, Rainie, Packard, Merrill and Humphreys.

Fifteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials. Report of the Committee on Finance (Senator Caron) : Ought to pass with amendment.

Amend said bill by striking out section 1 and inserting in place thereof the following :

1. *Classified State Employees.* Amend RSA 99:1 by striking out said section and inserting in place thereof the

following: 99:1 *Salaries Established.* The salary ranges for all classified state employees shall be established as follows:

	Minimum	Maximum
Salary grade 1	\$2,200	\$2,560
Salary grade 2	2,290	2,650
Salary grade 3	2,380	2,740
Salary grade 4	2,440	2,920
Salary grade 5	2,560	3,040
Salary grade 6	2, 80	3,160
Salary grade 7	2,800	3,280
Salary grade 8	2,890	3,490
Salary grade 9	3,040	3,640
Salary grade 10	3,160	3,880
Salary grade 11	3,340	4,060
Salary grade 12	3,520	4,240
Salary grade 13	3,700	4,420
Salary grade 14	3,880	4,600
Salary grade 15	4,020	4,900
Salary grade 16	4,240	5,120
Salary grade 17	4,430	5,430
Salary grade 18	4,680	5,680
Salary grade 19	4,900	6,020
Salary grade 20	5,180	6,300
Salary grade 21	5,460	6,580
Salary grade 22	5,740	6,860
Salary grade 23	5,970	7,290
Salary grade 24	6,300	7,620
Salary grade 25	6,630	7,950
Salary grade 26	6,910	8,430
Salary grade 27	7,290	8,810
Salary grade 28	7,670	9,190
Salary grade 29	8,050	9,570
Salary grade 30	8,430	9,950

Further amend said bill by striking out section 3 and inserting in place thereof the following:

3. *Appropriation.* There is hereby appropriated for the fiscal year ending June 30, 1958, for the salary increases provided for herein, the following sums: \$1,277,147 from the general funds of the state, \$943,352 from highway funds, \$84,323 from fish and game funds, \$183,106 from federal funds, and \$26,567 from self-sustaining funds. Like amounts

are hereby appropriated for the fiscal year ending June 30, 1959.

Further amend said bill by striking out section 4 and inserting in place thereof the following:

4. *State Officials.* Amend RSA 94:1 by striking out said section and inserting in place thereof the following: 94:1. *Salaries Established.* The annual salaries for the positions set forth shall be as follows:

	Minimum	Maximum
Adjutant general	\$8,866	\$10,192
Assistant attorney general (3)	8,268	9,516
Assistant business supervisor	7,098	8,164
Assistant commissioner, public works and highways	9,464	10,868
Assistant state librarian	6,500	7,488
Assistant superintendent, state hospital	8,866	10,192
Attorney general	10,634	12,220
Bank commissioner	8,866	10,192
Business supervisor	8,268	9,516
Chairman, water resources board	7,670	8,840
Clerk of supreme court and court reporter	8,268	9,516
Commandant, soldiers' home	4,498	5,174
Commissioner of agriculture	8,966	10,192
Commissioner of education	10,634	12,220
Commissioner of public welfare	10,634	12,220
Commissioner, public works and highways	11,232	12,896
Comptroller	10,634	12,220
Deputy attorney general	9,464	10,868
Deputy bank commissioner	7,670	8,840
Deputy bank commissioner (building and loan)	6,500	7,488
Deputy commissioner of education	8,866	10,192
Deputy commissioner, public works and highways	9,464	10,868
Deputy director of personnel	7,098	8,164
Deputy director of recreation	7,098	8,164
Deputy insurance commissioner	7,670	8,840
Deputy labor commissioner	5,902	6,786



	Minimum	Maximum
Deputy motor vehicle commissioner	7,670	8,840
Deputy secretary of state	7,098	8,164
Deputy state treasurer	7,098	8,164
Deputy superintendent, industrial school	5,330	6,110
Deputy superintendent, Laconia state school	5,039	6,067
Deputy warden, state prison	5,330	6,110
Director, charitable trusts	3,700	4,758
Director, division of accounts	8,268	9,516
Director, division of employment security	8,866	10,192
Director, division of purchase and property	8,268	9,516
Director of aeronautics	7,098	8,164
Director of civil defense	6,500	7,488
Director of clinical services	8,346	9,854
Director of correctional psychology	8,346	9,854
Director of fish and game	8,866	10,192
Director, mental hygiene and child guidance clinics	8,866	10,192
Director, out-patient services	8,346	9,854
Director of personnel	8,268	9,516
Director of probation	7,670	8,840
Director of psychiatric education	8,346	9,854
Director of recreation	8,866	10,192
Director, veterans' council	4,732	5,434
Executive director of planning and development	8,866	10,192
Farm supervisor	7,898	8,164
Insurance commissioner	8,866	10,192
Labor commissioner	7,670	8,840
Liquor commissioner (3)	8,268	9,516
Motor vehicle commissioner	8,866	10,192
Parole officer	5,902	6,786
President, teachers college (2)	8,866	10,192
Public Utilities commissioner (3)	9,464	10,868
Secretary of state	8,268	9,516
Secretary, tax commission	9,464	10,868
State fire marshal	7,098	8,164

	Minimum	Maximum
State forester	8,866	10,192
State health officer	11,232	12,896
State librarian	7,670	8,840
State veterinarian	8,268	9,516
State treasurer	8,268	9,516
Superintendent, industrial school	7,670	8,840
Superintendent, Laconia state school	8,866	10,192
Superintendent, state hospital	11,232	12,896
Superintendent, state police	8,866	10,192
Superintendent, state sanatorium	8,866	10,192
Tax commissioner (2)	7,670	8,840
Warden, state prison	7,670	8,840

Further amend said bill by striking out section 5 and inserting in place thereof the following:

6. *Appropriation.* There is hereby appropriated for the fiscal year ending June 30, 1958, for salary increases provided for herein, the following sums: \$162,271 from the general funds of the state, \$10,146 from highway funds, \$2,717 from fish and game funds and \$2,831 from federal funds. Like amounts are hereby appropriated for the fiscal year ending June 30, 1959.

Further amend said bill by striking out section 7 and inserting in place thereof the following:

7. *Present Incumbents.* Officials named in section 4 shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Any official whose salary upon placement in the new salary range is less than that of a classified employee in his department shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum is reached.

Further amend said bill by striking out section 8 and inserting in place thereof the following:

8. *Civil Engineers.* Notwithstanding the provisions of section 1, to the civil engineering positions in those departments engaged primarily in engineering, namely: public works and highways, water resources and water pollution, shall have

added to their respective salary ranges the following additional percentage increases:

Salary grades 11-14	20 per cent
Salary grades 15-18	15 per cent
Salary grades 19-24	10 per cent
Salary grades 25-30	5 per cent

This additional salary adjustment provided for herein shall be a charge on the appropriations provided in section 3.

Further amend said bill by striking out section 9 and inserting in place thereof the following:

9. *Governor's Salary.* Amend RSA 4:41 by striking out the words "twelve thousand" in line two and inserting in place thereof the words, fifteen thousand five hundred, so that said section as amended shall read as follows: 4:41. *Governor's Salary.* The annual salary of the governor shall be fifteen thousand five hundred dollars.

Further amend said bill by inserting after section 14 the following new sections:

15. *Salary Increase.* Amend RSA 4:42 by striking out the word "twenty" in the second line and inserting in place thereof the word, twenty-five, so that said section as amended shall read as follows: 4:42. *Councilors' Compensation.* The members of the governor's council shall be paid twenty-five dollars a day, each, for such time as they are actually engaged in the service of the state and their actual expenses.

16. *Additional Appropriations.* For the purpose of the increase in salaries and *per diem* compensation provided by sections 9 and 15, and in addition to the accounts appropriated in the biennial appropriation bills for executive department, personal services, there are hereby appropriated the sum of \$9,224 for the fiscal year ending June 30, 1958, and the sum of \$9,224 for the fiscal year ending June 30, 1959. Said sums shall be a charge on the general funds.

Further amend said bill by renumbering section 15 to read section 17.

Senator Merrill moved that the reading of the amendments be dispensed with and spoke as follows:

"Mr. President, just briefly because I am quite sure that this will be made a Special Order of Business and properly

should be. The committee has amended the bill to pick up the original proposals of the administration for 14.5% increase. It still preserves the amendment offered by McMeekin in the House, which takes care of the provision for 40 hours. It did add one or two amendments that affect the Governor's salary, the *per diem* of the Councilors, and a provision of increased amendment in personnel of engineers."

On motion of Senator Adams, further consideration of the above bill was made a Special Order of Business for tomorrow morning at 11:01 o'clock and the amendments to be printed in the Journal.

### Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House bills:

HB 141, An Act relative to possession of wild deer meat.

HB 198, An Act relative to replacements in and extension of the heating plant system at the University of New Hampshire.

HB 216, An Act relative to the construction of two buildings for instructional purposes and the remodeling of certain present buildings at the University of New Hampshire.

HB 223, An Act relative to the construction of a dormitory for men at the University of New Hampshire, and to be liquidated from income.

HB 324, An Act relative to taking of clams, clam worms and oysters.

HB 335, An Act relative to the state's share of the school superintendents' salaries.

HB 357, An Act relative to opening season at Bear Brook.

HB 420, An Act to promote the safety of the public in the use and operation of cable and rope devices for uphill transportation of passengers.

HB 434, An Act changing the name of a pond in the town of Middleton.

HB 442, An Act relative to audits of the accounts of the city of Dover.

SB 80, An Act relating to the expiration of void mortgages.

SB 161, An Act relative to contracts for projects for the

fish and game department and the recreation division of the forestry and recreation commission.

SB 176, An Act relative to examination of banks by bank commissioner.

SB 192, An Act relative to acquisition of recreational area in Monadnock area.

SB 198, An Act relative to repair of town highways and to provide for disposal of certain records of the public works department.

SJR 7, Joint Resolution to provide for an investigation of gasoline and fuel oil prices in the State of New Hampshire.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

On motion of Senator Caron, the Senate went into afternoon session.

#### **Afternoon Session**

The following bills were read a third time, and passed:

SB 95, An Act relative to change of classification of roads in Bethlehem.

SB 208, An Act relative to abatement for overpayment of income taxes.

SB 211, An Act relative to tax exemption for the blind.

HB 333, An Act relative to mileage allowance for members of the general court.

On motion of Senator Daniel, the Senate adjourned at 1:20 o'clock.

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WEDNESDAY, JULY 24, 1957

The Senate met at 11:00 o'clock.

#### **Leave of Absence**

Senator Provost requested leave of absence for the day on account of important business. This request was granted by the Chair.

#### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As guests of Senator Humphreys, his daughter Mrs. Janet Young and his son-in-law Mr. Michael Young from New York, and his sister Mrs. Julia H. White of Portsmouth.

As the guest of Senator English, his son Joseph G. English, student at Harvard College, Cambridge, Mass. Also, Mr. Pease, Clerk of the House in the State of Maine.

As the guest of Senator Karkavelas, former State Senator Guy Smart of Durham, N. H.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 302, An Act relative to the salary of the mayor, aldermen and members of the school committee of the city of Manchester.

#### **Introduction, First and Second Reading of House Bill**

HB 302 to the Special Committee composed of Senators Packard, Caron, Provost, Daniel and Adams.

### **House Message (continued)**

The House of Representatives has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bills:

SB 206, An Act to amend the charter of the Siwooganock Savings Bank.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Pillsbury of Manchester, Soucy of Manchester, Ward 1, and Perkins of Nottingham.

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Broadhurst of Franklin, Monahan of Hanover, and Phelps of Andover.

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 339, An Act relative to the government of the city of Concord.

### Committee Reports

SB 19 (new title, new draft), An Act relating to transporter registration. Report of the Committee on Transportation (Senator DeLude) : Ought to pass.

Senator Packard:

“Mr. President, this is a comparatively simple bill. The committee had a hearing on this bill, which was drafted by the Motor Vehicle Department. This is a new type of plate. It affects a few people who do not come under classification of dealer. It would affect people who deal in trailers, etc. It would not affect too many people, but it would help out a few New Hampshire business men. No objection on the part of the commissioner or his department. I hope that the Senate will go along with it. The fee of \$35 is the same as the fee covering dealer plates.”

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 205, An Act relative to by-laws, officers, and credit committee of credit unions. Report of the Committee on Banks and Insurance (Senator Rogers) : Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Credit Unions.* Amend section 7 of chapter RSA 394 by adding the following or provided that copies of the notice and proposed amendment shall have been posted in two public places within the town or city in which the credit union office is located at least twenty-one days prior to the day of the meeting, so that said section as amended shall read as follows:

394:7. *Amendment.* At any annual meeting the members of a union may amend the by-laws by a three-fourths vote of the members present and entitled to vote; provided, that a copy of the proposed amendment shall have been sent to each member with the notice of the meeting or provided that copies of the notice and proposed amendment shall have been posted in two public places within the town or city in which the credit union office is located at least twenty-one days prior to the day of the meeting.

2. *Electing Officers.* Amend section 25 of chapter RSA

394 by inserting after the word "treasurer" in the third line the following: and such other officers as are deemed necessary, so that said section as amended shall read as follows:

394:25. *Electing Officers.* The directors, at their first meeting after the annual meeting of the corporation, shall elect from their own number a president, a vice president, a clerk, and a treasurer, and such other officers as are deemed necessary, who shall be the executive officers of the corporation, and who shall hold office until their successors shall have been elected and qualified. The officers of the clerk and treasurer may be held by the same person.

3. *Appointed Officers.* Amend RSA 394 by inserting after section 25 the following new section: 394:25-a. *Appointed Officers.* Subject to the approval of the credit committee, the board of directors may appoint and may provide for the compensation of a loan officer to act under the supervision of the credit committee.

4. *Takes Effect.* This act shall take effect sixty days after its passage.

The reading of the amendment was dispensed with inasmuch as said amendment was printed in yesterday's Journal.

Senator Anderson:

"Mr. President, this bill is a housekeeping measure having to do with credit unions, and was introduced by Senator Lamontagne. At the hearing, a few minor changes were made in the original bill, one of which was that a notice must be given 21 days before a meeting instead of 14 days and that the notice for the hearing could be place in public places. Proposed amendments also to be included in the notice of meeting. The committee deleted one whole paragraph and inserted a new paragraph regarding appointive officers, which permits the credit bureau, with the consent of the directors, to appoint a loan office. There was no opposition, and this amendment meets with the approval of the members of the House."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

SB 188, An Act relative to the sewerage system in the town of Hampton. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass.



Senator DeLude:

"Mr. President, this is a very simple bill. The town of Hampton wishes to have its sewer in a district, rather than in the general fund of the town. A committee was appointed to consider this. This is simply permissive legislation."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 196, An Act relative to qualifications of registration as pharmacists. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass with amendment.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Special Qualifications.* Amend RSA 318 by inserting after section 18 the following new section: 318:18-a. *Special Qualifications.* Notwithstanding the provisions of RSA 318:18, any applicant for examination and registration as a pharmacist shall be a citizen of the United States, not less than twenty-one years of age, of good moral character and temperate habits, who has been graduated from a school or college of pharmacy or department of a university accredited by the American Council on Pharmaceutical Education, prior to July 1, 1957, who was a resident of the state of New Hampshire for five or more consecutive years prior to his graduation from said school, shall file proof satisfactory to the commission, substantiated by proper affidavits, of a minimum of one year of experience in a retail or hospital pharmacy in the United States where physicians' prescriptions are compounded under the supervision of a registered or licensed pharmacist; and shall pass an examination given by the New Hampshire commission of pharmacy to establish satisfactorily his fitness to practice. Service and experience in a retail or hospital pharmacy under the supervision of a registered or licensed pharmacist as required in this section shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes. The examination of applicants under the provisions of this section shall be the same and held at the same time as for any other applicants under section 18.

The reading of the amendment was dispensed with, inasmuch as same was printed in yesterday's Journal.

Senator DeLude:

"Mr. President, at the present time, our Board of Pharmacy in this state has very rigid requirements for application to be a licensed pharmacist. The committee felt that these standards should be upheld. However, there were a few persons in the state who had gone to pharmacy schools that are not what were considered to be class A schools. These schools used to be classified as Class A, Class B and Class C schools. There is no longer and Class C. We did not believe that we wanted to lower our own state standards to include these schools, other than Class A. However, those who had attended these schools could not take the examination. The amendment provides that a resident of this state for 5 years, who has attended an accredited school, may be permitted to take the examination. This legislation will take care of these people. This will help these individuals and yet we will not lower our own high standards. I urge the Senate to go along in the passage of this bill."

Senator Cleveland inquired of Senator DeLude if there was any opposition to this amendment at the hearing.

Senator DeLude:

"The amendment is a committee amendment and is the result of opposition. I believe it is what might be known as a happy compromise."

Senator Cleveland inquired of Senator DeLude if anyone connected with the Pharmacy Board assisted in drafting this legislation.

Senator DeLude replied in the negative, but stated that they agreed to this amendment.

(Discussion ensued)

Senator Bergeron inquired of Senator DeLude if this had anything at all to do with members that are pharmacists now, regarding college degree.

Senator DeLude replied in the negative.

On a *viva voce* vote, the amendment of the committee was adopted.

Senator Humphreys offered the following amendment to the amendment:

Amend section 1 of said bill by adding at the end thereof the words, provided further that any former member of the armed services who has had ten or more years of experience in pharmacy work and can present credentials to show that he has taken pharmaceutical training courses in the service, shall upon presentation of such evidence to the New Hampshire Commission of Pharmacy be allowed to take the examination for registered pharmacist in the same manner and at the same time as any other applicant under the provisions of section 18.

Senator Humphreys:

"Mr. President, it is my understanding that at the present time, a man who has been in the military service of the United States, trained in pharmacy and practicing pharmacy in the service for possibly his whole career, upon his release from the service, there is no possible way that he may obtain his license to practice in the state of New Hampshire. If this amendment can be adopted, he would then be able to take the examination the same as anyone else. Whether he passed the examination or not is another thing. But this would at least give him the opportunity of taking the examination, at least."

Senator Rainie spoke in opposition to this amendment, as follows:

"We have a very good pharmacist standard. The situation which arose which brought about the adoption of this amendment already asked was unusual. I regret that it had to be done, but apparently, it did. It does mean a limited dropping of the standards which affects one or two individuals. Now, here is something which further breaks down, it really breaks down, the standards that we have at the present time. This matter of preparing prescriptions at the present time is a very important duty. The handling of drugs is dangerous. They should have proper training. The standards set by the state of New Hampshire are set very high. Now, this amendment says that a man who has served 10 years and has had training in pharmacy service, we are going to open the door to almost anything that may happen to our pharmacy law. I believe it cannot be overemphasized that this is to break down our laws."

Senator DeLude spoke against the amendment offered by Senator Humphreys:

“As I said before, the amendment offered by the committee is a compromise. We felt very strongly that we did not want to lower the high standards of the state of New Hampshire. I think you have already heard about pharmacists serving in the military. I do not believe the amendment of Senator Humphreys would be acceptable and I don’t believe it would be in the best interests of the state.”

Senator Packard spoke in support of the adoption of the amendment of Senator Humphreys.

Question being on the adoption of the amendment offered by Senator Humphreys and Senator DeLude requested a division on the question.

Ten Senators having voted in the affirmative, and five Senators having voted in the negative, the affirmative prevailed, and the amendment to the amendment was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o’clock.

On motion of Senator Packard, the rules of the Senate were so far suspended as to permit the following entitled bills to be placed on their third reading and final passage at the present time.

### Third Reading of Bills

The following entitled bills were read a third time, and passed:

SB 19, (new title, new draft), An Act relating to transporter registration.

SB 188, An Act relative to the sewerage system in the town of Hampton.

SB 196, An Act relative to qualifications for registration as pharmacists.

SB 205, An Act relative to by-laws, officers, and credit committee of credit unions.

### Committee Reports (continued)

HB 388, An Act establishing the New Hampshire State Port Authority. Report of the Joint Committee consisting of Finance Committee and Senators from the 6th, 23rd, and 24th Districts (Senator Caron): Ought to pass.

Senator Humphreys:

"Mr. President, this is a bill that provides for setting up a New Hampshire Port Authority which would give the state an organization which could deal with federal agencies and which provides a means for regulation of our ports in the state. This bill had very careful consideration in the House and we have given it a great deal of study. The original bill was to provide for a regulatory body. In the House, it was amended to add the authority for the Port Authority to apply for permission from the federal government to have what is known as a free port in the state of New Hampshire. I am not too familiar with that, but I am certain that the people in the House made quite a study of it and thought it would be valuable to the whole state to establish this free port in this state. It would be a free port of entry of foreign goods for shipment elsewhere. There was no opposition to the bill. A great deal of support from the Representatives not only from the seaport sections of the state, but all over the state. In this state, we have not taken full advantage of our seacoast facilities. To mention just a few. The fact is that at the present time, our navigations in the Portsmouth area where we do not have the navigation lights that are needed there to permit navigation after dark. The shipping traffic is increased and there should be some authority to take this up with the federal agency. There are no lights at Rye harbor, but with just individuals trying to deal with the federal government, not much headway has been made to get those things. Then the danger in the Portsmouth harbor for increased shipping. No authority to whom a ship master may apply. A ship master may decide to go in at the same time another ship master decides to go out. For example, the drawbridge on the state bridge was not built in a good location. This would have been avoided if there had been a port authority at that time. I would urge the Senate to go along with the passage of this bill."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 116, An Act relative to fishing, sale of bait, and hunting and fishing licenses for members of the armed forces and military personnel. Report of the Committee on Fisheries and Game (Senator Bergeron): Ought to pass with amendment.

Amend section 1 of said bill by striking out the same and

inserting in place thereof the following: 1. *Fishing on Reclaimed Ponds.* Amend RSA 211:13-a (supp) as inserted by 1955, 106:1 by striking out the words "and Mirror Lake in the town of Whitefield" so that said section as amended shall read as follows: 211:13-a. *Spinners.* No person shall use a spinner or spinners, total combined length of all blades not to exceed four inches, when trolling for fish in reclaimed trout ponds except in Back Lake in the town of Pittsburg. Whoever violates any of the provisions of this section shall be fined twenty-five dollars and the director shall suspend his fishing license for a period of one year. The provisions of this section shall not be construed as affecting fly fishing in regular ponds.

Amend section 3 by inserting after the figure "RSA 214:3" the following: (supp) as amended by 1955, 100:1

Amend section 4 of said bill by inserting after the figure "RSA 214:4" the following: (supp) as amended by 1955, 100:2.

On motion of Senator Rhodes, the reading of the amendment was dispensed with.

Senator Rhodes:

"Mr. President, all this amendment does — in one section of the bill that had to do with a certain type of lures — the matter of penalty was omitted. This puts the penalty back in the bill."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 262, An Act relative to use of fluorine in public water supplies. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass with amendment.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Public Water Supply System.* Amend RSA 148 by inserting after section 5 the following new section:

148:5-a. *Prohibited Use of Fluorine.* No fluorine shall be introduced into the water of any lake, pond, reservoir or stream tributary thereto from which the water supply for domestic purposes is taken unless and until the town or city using said waters has held a public hearing as to the intro-

duction of fluorine into the public water supply of said city or town.

Senator DeLude:

"Mr. President, the bill as it was passed by the House provided for referendum. We have amended this to provide that there should be a public hearing. The feeling is that if there is a public hearing, certainly people will be allowed to express their opinions and if the town fathers deem it necessary, to have the right to do this, if desired. Speaking as an individual, if all of the inherent dangers are in fluorine that are attributed to it by the opponents of this bill, I don't believe that anybody would be sitting here in the House or Senate today. The charges were extreme. We felt that if it was as bad as it was implied, no one should have it. The committee felt that this was a better solution to the problem than the referendum. This amendment simply provides that there shall be a public hearing."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of Bill**

The following entitled bill was read a third time, and passed:

HB 262, An Act relative to use of fluorine in public water supplies.

On motion of Senator DeLude, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

### **Committee Reports (continued)**

HB 187, An Act to redistrict the state into senatorial districts. Report of the Special Committee (Senator Humphreys): Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Senatorial Districts.* Amend RSA 62:12 to 35, inclusive, by striking out said sections and inserting in place thereof the following:

62:12. *District 1.* Senatorial District number one contains Berlin.

62:13. *District 2.* Senatorial District number two contains all of Coos County except Berlin.

62:14. *District 3.* Senatorial District number three contains Littleton, Bethlehem, Monroe, Lyman, Lisbon, Franconia, Livermore, Bath, Landaff, Easton, Lincoln, Haverhill, Benton, Woodstock, Thornton, Waterville, and Campton.

62:15. *District 4.* Senatorial District number four contains all of Carroll County.

62:16. *District 5.* Senatorial District number five contains Piermont, Warren, Ellsworth, Orford, Wentworth, Rumney, Lyme, Dorchester, Groton, Plymouth, Hebron, Hanover, Canaan, Orange, Alexandria, Bridgewater, Bristol, Lebanon, Enfield and Grafton.

62:17. *District 6.* Senatorial District number six contains Holderness, Ashland, New Hampton, Center Harbor, Meredith and Laconia.

62:18. *District 7.* Senatorial District number seven contains Sanbornton, Tilton, Danbury, Hill, Wilmot, Andover, Franklin, Northfield, New London, Salisbury, Newbury, Sutton, Bradford, Warner, Webster, Boscawen, Canterbury and Ward One of Concord.

62:19. *District 8.* Senatorial District number eight contains all of Sullivan County.

62:20. *District 9.* Senatorial District number nine contains Henniker, Hopkinton, Dunbarton, Bow, Pembroke, Allentown, Hooksett and Wards Three, Six, Seven and Nine of Concord, Chichester and Epsom.

62:21. *District 10.* Senatorial District number ten contains Keene.

62:22. *District 11.* Senatorial District number eleven contains all of Cheshire County except Keene.

62:23. *District 12.* Senatorial District number twelve contains Mont Vernon, Wilton, Milford, Amherst, Merrimack,



Litchfield, Greenville, Mason, Brookline, Hollis and Wards One and Two of Nashua.

62:24. *District 13.* Senatorial District number thirteen contains Hudson and Wards Three, Four, Five, Six, Seven, Eight and Nine of Nashua.

62:25. *District 14.* Senatorial District number fourteen contains Windsor, Hillsborough, Antrim, Deering, Weare, Hancock, Bennington, Francestown, New Boston, Goffstown, Bedford, Peterborough, Greenfield, Lyndeborough, Sharon, Temple and New Ipswich.

62:26. *District 15.* Senatorial District number fifteen contains Gilford, Alton, Belmont, Gilmanton, Barnstead, London, Pittsfield, and Wards Two, Four, Five and Eight of Concord.

62:27. *District 16.* Senatorial District number sixteen contains Wards One, Two and Nine of Manchester.

62:28. *District 17.* Senatorial District number seventeen contains Wards Three, Four, Five, Ten and Eleven of Manchester.

62:29. *District 18.* Senatorial District number eighteen contains Wards Six, Seven, Eight, Twelve, Thirteen and Fourteen of Manchester.

62:30. *District 19.* Senatorial District number nineteen contains Northwood, Deerfield, Nottingham, Candia, Raymond, Auburn, Chester, Sandown, Londonderry, Derry, Hampstead, Atkinson, Windham, Salem and Pelham.

62:31. *District 20.* Senatorial District number twenty contains New Durham, Middleton, Milton, Farmington, Rochester and Somersworth.

62:32. *District 21.* Senatorial District number twenty-one contains Dover, Rollinsford, Madbury, Barrington, Lee, Durham and Strafford.

62:33. *District 22.* Senatorial District number twenty-two contains Epping, Newmarket, Newfields, Fremont, Brentwood, Exeter, Stratham, Danville, Kingston, East Kingston, Kensington, Hampton Falls, Seabrook, South Hampton, Newton and Plaistow.

62:34. *District 23.* Senatorial District number twenty-three contains Hampton, North Hampton, Greenland, Newington and Wards Two, Three and Six of Portsmouth.

62:35. *District 24.* Senatorial District number twenty-four contains Rye, New Castle and Wards One, Four and Five of Portsmouth.

2. *Takes Effect.* This act shall take effect as of April 1, 1958, but nothing herein shall be construed as affecting the term of office of the members of the Senate for 1957-1958.

On motion of Senator Adams, further consideration of the above bill with accompanying report was laid upon the table and made a Special Order of Business for tomorrow at 11:01 A. M.

### **Special Order of Business — 11:01 O'Clock**

Senator Adams called for the Special Order.

Question being on the adoption of amendments offered by the Committee on Finance to HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state employees.

Senator Adams:

"First, I would move that the Senate amend the bill exactly as passed by the House and I will speak on this amendment. I move that the words, Ought to pass, be substituted for the report of the Committee on Finance, Ought to pass with amendment."

Senator Adams spoke in favor of the motion:

"Mr. President, I would like to point out to the members of the Senate that this is the first time to my knowledge that the House of Representatives in this general court has recognized that the state employees need a substantial raise. In other words, they have voted for an increase in pay more than the administration has recommended and that this is a very unusual action. Another thing, the 20% increase is not in effect a 20% increase for this year only. It is an accumulation of increases long overdue. How was this arrived at? It was arrived at by a survey of the personnel commission by order of the executive office. They came up with this 20.2 percent increase on the basis of the salaries being currently paid

in Maine and Vermont. Rhode Island and Connecticut were thrown out because those states have substantially greater salaries than we do here. If the 20.2% plan is adopted, our state salaries will still be substantially lower than paid in Vermont and Maine. Now, if we are going to have our state services compare at all with our neighboring states; if we are going to retain the services of state employees, we have got to recognize the fact that they have got to be paid and they have got to be paid comparable to the states bordering us. Other states, as well as cities and industry, are now granting substantial salary increases, and even if we adopt the 20.2%, we will be way, way behind industry, as I have already pointed out, substantially behind the other states in New England. 45% of our state employees are now earning less than \$55 a week. I want you to think about this. If you were the head of a family, how in the name of Heaven, can you support a family on wages of \$55 a week. Now, if you think that \$55 a week is enough to raise a family today, then go along with the 14.5%. If you do not think it is enough, then consider this 20.2% increase. This is an accumulation of increases that the last two sessions of the Legislature have failed to act on. The state employees have not had an increase of any kind since 1953. Another thing that I would like to point out about the amendment recommended by the Finance Committee. It is said that the classified employees are getting a 19% across the board. That is not true. I will name off a few of the jobs that are getting substantially more than that. Why, I do not know. But after I have concluded, I will ask the Chairman of the Finance Committee to explain why this was done . . . .”

(Discussion ensued)

Question being on the motion of Senator Adams that the words, Ought to pass, be substituted for the words, Ought to pass with amendment.

Senator Holmes inquired of Senator Merrill:

“Can you give us the percent of increases in the classified grades?”

Senator Merrill:

“The average will be 14.5%. The range will be between 12 and 20. Grades 1 will be 11.9%, and gradually they increase to 20%.”

Senator Holmes:

"In other words, the lowest paid people get the lowest pay increase?"

Senator Merrill:

"That is correct. I might add one thought to this — the same will be true on the 20.2%. It is my understanding that the so-called curve has measured every position, based on its responsibility and load, and set a minimum and a maximum. The same situation would exist in either bill."

Senator Holmes:

"I am particularly interested in those people getting the lower grade of salary. To take care of this, a special amendment would have to be presented."

Senator Cleveland spoke in support of the report of the Finance Committee and in opposition to Senator Adams' motion to substitute.

Senator Lamontagne:

"Mr. President, at this time, I certainly want it clearly understood that I am not opposing the Finance Committee of the Senate, neither am I opposing the House Appropriations Committee or the House or the Senate, but I believe that the question has been asked here on this floor if there was a way of raising income other than by a sales tax, to which I am very much opposed. I would further like to say that I believe that there are some methods whereby we could probably raise the revenue. I understand that I cannot introduce any revenue bills in the Senate — they must be done in the House. We have also found out that on the toll road going through from Portsmouth to Dover, there is a gas pipeline going through with no fee paid to the toll road. If it was not state property, it would be taxed, or if owned by an individual. Certainly, I believe there is a way of getting additional revenue. I know very well that the Governor is trying to run the state according to the means that he now has in the budget. I also understand his idea in saying that he will veto it. I certainly believe that with the suggestions I have made before this Senate here, if this revenue bill was taken into consideration in the House, there would be enough revenue to satisfy the Governor and the state employees."

Senator Daniel:

"Mr. President, I want to make myself very clear here. I would be the first one to give the state employees a raise if the money was available. In Manchester, the main industry is textiles. They asked for a raise a year ago. The manufacturers said that they could not give it to them because they had to compete with the industry in the south. They make an average of \$55 to \$60 a week. I am sure that if our cloth in Manchester was sold, our employees would get a raise. This question here now, to me is that I am not opposed to the state employees. My heart is with them. But since I have been in this Legislature, I have always been opposed to a sales tax. I am concerned if this raise goes through, will we have to have a sales tax in the next two years. When Governor Sherman Adams was in the Chair, he appeared before the House and asked us to vote for a sales tax. All the merchants in Manchester got together and wanted us to oppose this sales tax. It would even tax us on the milk for new babies and would put a tax on the casket for us to be put in our grave. There is just no money . . . . ."

Senator Lamontagne moved the previous question, seconded by Senator Rhodes.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the adoption of the motion of Senator Adams to substitute.

Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Paquette, Packard, Caron, Karkavelas and Adams.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Daniel, Bergeron, Merrill and Humphreys.

Six Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to substitute did not prevail.

Question being on the adoption of the amendment offered by the Finance Committee.

Senator Adams offered the following amendment:

Amend the bill by granting the 14.5% increase recommended by the administration for the first year of the biennium and the 20.2% increase for the second year of the biennium.

Senator Adams spoke in support of the amendment.

Senator DeLude stated that she would go along with the amendment if it were certain there would be money enough.

Senator Cleveland spoke in opposition to the amendment.

Senator Daniel spoke in support of the motion.

Senator Humphreys inquired of Senator Adams:

"If we should pass this amendment, provided that the money is available, is it clear how and by whom is the determination of whether or not the money is available for the increases in the second biennium?"

Senator Adams stated that he would amend his amendment by adding the words: said determination to be left to the discretion of the governor and council.

On this motion, Senator Adams demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Paquette, Packard, Caron, Daniel, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Bergeron and Merrill.

Eight Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the amendment was not adopted.

Senator Holmes offered the following amendment:

Reclassify Grades 1 to 10 — 20% raise.

Senator Holmes:

"The present figures show that 11.7 — 14.6 in the raises so the raise would be somewhere in the vicinity of 6 or 7%. There seems to me two changes should be made. An increase in the lower wage scale is needed as much as in the upper grade. I would like to vote for the 20% for everybody if I felt that it was safe financially, but if I have to choose, I will chose the lower grades."

Senator Cleveland:

"There is much in what Senator Holmes says, and I do not propose to embarrass her by asking a lot of questions, but as I understand her amendment, it is to take the first 10 grades and to give them the 20%. Was this proposition made to the Finance Committee?"

Senator Holmes:

"I believe something of the sort. I asked Senator Anderson to get some percentage figures, but he was not able to get all those figures. He did not seem to feel that it was a workable amendment."

Senator Cleveland:

"The amendments previously offered have been amendments that have been discussed both by the committee and by the press and they are amendments with which most of the Senators are familiar. The amendment of Senator Holmes has much to commend it. It does something for those people whose salary grades are low, but I do believe that it would be difficult for the Senate to decide this without having the figures that we should have. Before either supporting or opposing this amendment, I would like to suggest a recess. As a practical matter, one of the problems that I can see is this. If you raise the bottom 10%, the fellow in grade 10 may pass 11, or 12 may be equaled. I have never known of any way to raise the lower grades and not the upper."

Senator Holmes speaking to Senator Cleveland:

"That was the problem and I struggled with it all yesterday afternoon and it appears that we would have to redraft a long 8 page bill. I do not know how much support I would receive from the Senate. My main objective is to get something more for the people in that low grade group."

Senator DeLude:

"Before recess, if you will look on page 1051 in the Journal. I want to support Senator Holmes in her thinking."

The Chair inquired of Senator DeLude if she was proposing that as an amendment.

Senator DeLude replied that she would ask consideration during the recess.

Senator Caron:

“Before recess, I would like to state that I offered this amendment in committee: Grades 1 to 10 — 20%. Grades 11 to 20 — 15%. Grades 21 to 30 — 10%. I thought that should have been given some consideration.”

The Chair announced that the Senate would be in recess until 2:30 o'clock.

(Recessed at 1:40 o'clock)

The Senate re-assembled.

### Report of Committee of Conference

The Committee of Conference, to whom was referred Senate Bill No, 165, An Act relating to purchase of liability insurance under a fleet policy, having considered the same, reported the same with the following recommendations:

That the Senate recede from its position of non-concurrence, that the House recede from its position in adopting its amendment and the following amendment be adopted:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Duties of Director of Purchase and Property.* Amend paragraph IX of RSA 8:19 by striking out said paragraph and inserting in place thereof the following: IX. After consultation with, and approval by, the board of approval as established by RSA 93:2, purchase liability insurance under a fleet policy covering the operation of state owned vehicles, and such other insurance and surety bonds as any state department, agency or official may now or hereafter be legally authorized to secure, or required to furnish; provided that approval shall not be granted for any such insurance or surety bonds unless the same have been negotiated for, are procured from the premium therefor is to be paid to a resident agent of an insurance company registered and licensed to do business in this state. No such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any non-resident agent or non-resident broker any part of the commission on the sale of such insurance or surety bonds. The insurance commissioner may suspend or re-



voke the license of any resident agent or insurance company violating the provisions hereof.

LUCIEN BERGERON,  
ELMER ANDERSON,  
*Conferees on the part of the Senate.*

STEWART LAMPREY,  
N. A. McMEEKIN,  
SCOTT F. EASTMAN,  
*Conferees on the part of the House.*

On motion of Senator Bergeron, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway, having considered the same, reported the same with the recommendation that the Senate recede from its position in the adoption of its amendments, that the House recede from its position of non-concurrence, and further recommends that the Senate and House concur in the adoption of the following amendment to said bill:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Highway Classified.* The Federal Forest Highway, known as the New Hampshire Forest Highway 8, in the towns of Lincoln, Livermore, Waterville, Albany and Conway, shall hereafter be classified as a class II highway.

IDA M. HORNER,  
FORREST W. HODGDON,  
*Conferees on the part of the Senate.*

EARLE W. CHANDLER,  
ROBERT S. MONAHAN,  
GEORGE MCGEE,  
*Conferees on the part of the House.*

On motion of Senator Horner, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

### House Message

The House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 64, Joint Resolution providing for a portrait of Captain Harl Pease, Jr., for the Pease Air Force Base.

### Introduction, First and Second Reading of House Joint Resolution

HJR 64 to the Committee on Military and Veterans' Affairs.

On motion of Senator O'Brien, the order whereby the above captioned joint resolution was referred to the Committee on Military and Veterans' Affairs was vacated.

On motion of Senator O'Brien, the rules of the Senate were so far suspended as to dispense with referral to the Finance Committee of the above captioned House joint resolution.

(Discussion ensued)

Senator Cleveland offered the following amendment:

Amend said resolution by adding at the end thereof the following words, Any of the money herewith appropriated not spent for the purpose herein designated shall be returned to the state treasurer, so that said resolution as amended shall read as follows:

That the sum of fifteen hundred dollars is hereby appropriated to be expended by a special committee appointed as hereinafter provided for the purpose of securing an oil painting of Capt. Harl Pease, Jr. to be installed in the administration building at Pease Air Force Base at Newington. The special committee authorized hereunder shall consist of three members, one appointed by the speaker of the house of representatives, one appointed by the president of the senate, and one appointed by the governor. Said committee shall select an artist to paint the portrait of Capt. Harl Pease, Jr. and shall see that the portrait is properly installed when completed. Any of the money herewith appropriated, not spent for the purpose herein designated, shall be returned to the state treasurer.

The amendment was adopted.

On further motion of Senator O'Brien, the rules of the Senate were so far suspended as to place the above House joint resolution on its third reading and final passage at the present time.

### Third Reading of House Joint Resolution

The following House joint resolution was read a third time, and passed:

HJR 64, Joint Resolution providing for a portrait of Captain Harl Pease, Jr. for the Pease Air Force Base.

### Announcement

The Chair stated that the Senate will not revert to the business under consideration at the time the recess was called.

Senator Cleveland:

"Mr. President, I would like to state that the amendment offered by Senator Holmes, as amended by Senator DeLude, and as re-amended by Senator Humphreys, is now in type-written form and ready to be read by the Clerk:

The Clerk read the amendment, as follows:

Amend said bill by inserting after Section 16 the following new section: 17. *Additional Increases*. Notwithstanding the provisions of section 1 to the classified state positions in the following salary grades shall be added the following additional percentage increases:

Salary grade 1	5%
Salary grade 2	4½%
Salary grade 3	4%
Salary grade 4	3½%
Salary grade 5	3%
Salary grade 6	2½%
Salary grade 7	2%
Salary grade 8	1½%
Salary grade 9	1%
Salary grade 10	½%

There is hereby appropriated for the additional salary increases for the above named salary grades for the fiscal year ending June 30, 1958, the following sums: Highway funds \$44,588; Fish and Game funds \$7,754; Federal funds \$17,449; General funds \$120,193; Self-sustaining funds \$2,423. Like

amounts are hereby appropriated for the fiscal year ending June 30, 1959.

Further amend said bill by renumbering section 15 to read section 18.

Senator Cleveland spoke in support of the amendment.

On a *viva voce* vote, the amendment was adopted.

Senator Lamontagne inquired of Senator Cleveland:

"By adopting the above amendment, will that have any bearing on the 40 hour week?"

Senator Cleveland that he would offer the following amendment, which would clarify the doubts on that question:

Amend section 14 of the bill by adding after the word "fund" in the third line "or any other lapsed money" so that the section shall read:

14. *Salary Adjustment Fund.* Notwithstanding any other provisions of law the balance of any of the salary adjustment fund or any other lapsed money as of June 30, 1958, may, upon approval by the governor and council, be transferred for use during the fiscal year ending June 30, 1959, to any state department or institution for the purpose of the employment of additional personnel to effect the purpose of this act to reduce the work week.

On a *viva voce* vote, the above amendment was adopted.

Senator Karkavelas offered the following amendment:

"Physicians employed in the position of Assistant Superintendent, State Hospital; Director of Correctional Psychiatry; Director of Mental Hygiene and Child Guidance Clinics; Director of Out Patient Services; Director of Psychiatric Education; and Superintendent, State Hospital, shall each receive an additional two thousand dollars (\$2,000) per annum when certified by the American Board of Psychiatry and Neurology, Inc., and/or the American Psychiatric Association's Committee on Certificate of Mental Hospital Administrators, and

Amend Section 5, lines 1 - 5 to read: "There is hereby appropriated for the fiscal year ending June 30, 1958, for the salary increases provided for herein, the following sums; one hundred twenty-one thousand nine hundred and two dollars (\$121,902) from the general funds of the state . . . . "

Senator Karkavelas spoke in favor of the amendment.

Senator Cleveland spoke in opposition to the amendment.

Senator Karkavelas withdrew the amendment offered above.

Senator Karkavelas offered the following amendment:

Amend RSA 94:1 by adding at the end thereof the following new paragraph:

Whenever an appointing authority is unable to recruit a qualified applicant, upon recommendation of the appointing authority the Governor and Council are authorized, if in their judgment it is in the best interests of state service, to establish a higher salary range.

Senator Karkavelas spoke in favor of the amendment.

On a *viva voce* vote, the amendment was adopted.

Senator Karkavelas offered the following amendment:

In section 4, relative to salary of Liquor Commissioner (3).

Strike out minimum — \$8,268. Maximum — \$9,516

Insert in place thereof: minimum — \$9,464. Maximum — \$10,088.

Which will put the Liquor Commissioners on the same salary as the Public Utilities Commissioners.

Senator Karkavelas spoke in favor of the amendment:

"I think this is a very, very reasonable amendment and I wish to state that the three Liquor Commissioners are running a business of \$21,000,000. To me that is one of the largest businesses in the state of New Hampshire. I also wish to state that I believe that they are all entitled to this increase. I say to you that the Liquor Commission from year to year has shown an increase. I am considering this raise on a merit basis. I think they are meritorious of such a raise. They are running an effective business. I say to you that we have a very fine Liquor Commission. I believe that any a great deal of credit is due the Liquor Commission — they are doing a business of \$21,000,000 and that merits recognition."

Senator Cleveland spoke in opposition to the amendment.

Senator Daniel spoke:

"We have a very fine Liquor Commission. But in the business that they are in, there are many, many thirsty people, and it does cost the state a lot of money to put them back on their feet again."

Question being on the adoption of the amendment offered by Senator Karkavelas on which he requested a division.

Senator Karkavelas demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Paquette, Packard, Caron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Daniel, Bergeron and Merrill.

Six Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Senator Packard offered the following amendment:

Amend section 8 in the first paragraph by adding after the word pollution, the words, and public utilities commission, so that said section as amended shall read as follows:

8. *Civil Engineers.* Notwithstanding the provisions of section 1, to the civil engineering positions in those departments engaged primarily in engineering, namely: public works and highways, water resources and water pollution, and public utilities commission shall have added to their respective salary ranges the following additional percentage increases: . . . .

Senator Merrill stated that he would like to correct the impression that this omission was an error. This was not. This was the way the bill was drawn. They were left out intentionally.

(Discussion ensued)

Senator Cleveland spoke against the amendment.

Senator Merrill spoke against the amendment.

Senator Packard spoke in favor.

Question being on the adoption of the amendment offered above.

On a *viva voce* vote, the Chair was in doubt.

Senator Packard requested a division.

Eight Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

### Resolution

Senator Bennett offered the following resolution:

*Whereas*, we have learned with sorrow of the passing of Frank B. Clarke of Canaan, and

*Whereas*, Mr. Clarke has served his town and school district, has been Representative to the General Court, and was the State's oldest practicing attorney, now therefore be it

*Resolved*, that we, the members of the Honorable Senate, hereby pay tribute to Mr. Clarke for his outstanding services to his town and state, in expressing our appreciation of his dedication, and do extend our heartfelt sympathy to his family in its bereavement, and be it further

*Resolved*, that the Clerk be instructed to transmit a copy of these resolutions to Mr. Clarke's family.

On a *viva voce* vote the resolution was unanimously adopted.

Senator Bennett served notice to the Senate that today or at some future date, he proposed to ask the Senate to reconsider its vote whereby it passed HB 292, An Act relating to purchasing liability insurance at state recreation facilities.

Senator English served to the Senate that today or at some future date, he proposes to ask the Senate to reconsider its vote whereby it passed HB 333, An Act relative to mileage allowance for members of the general court.

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

Further consideration of HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials.

The bill still being on its second reading was open to amendment.

Senator Packard offered the following amendment:

In section 4 of the bill, strike out in salary of secretary of state the figures Minimum — \$8,268. Maximum --- \$9,516 and insert in place thereof: Minimum — \$8,866. Maximum — \$10,192.

(Discussion ensued)

Senator Packard spoke in favor of the amendment.

Question being on the adoption of the amendment offered by Senator Packard above.

On this question, Senator Packard requested a division.

Eight Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Question now being on the adoption of the amendment to the amendment offered by the Committee on Finance.

On a *viva voce* vote, the amendment to the amendment was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Caron, the Senate went into afternoon session.

### Afternoon Session Third Reading of Bills

The following entitled bills were read a third time and passed:

HB 116, An Act relative to fishing, sale of bait, and hunting and fishing licenses for members of the armed forces and military personnel.

HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials.

HB 388, An Act establishing the New Hampshire State Port Authority.

On motion of Senator Cleveland, the Senate refused to reconsider its vote whereby it passed HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials.

On motion of Senator Paquette, the Senate adjourned at 4:45 o'clock.



THURSDAY, JULY 25, 1957

The Senate met at 11:00 o'clock.

On motion of Senator Adams, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

HB 86, An Act relative to unemployment compensation for certain employees of the state and of political subdivisions and instrumentalities thereof. Report of the Committee on Labor (Senator Packard): Ought to pass with amendment.

The Clerk read the amendment.

Amend said bill by inserting after section 4, the following new section:

5. *Employees Retirement.* Amend paragraph III of RSA 100:1 by striking out the word "last" in the second line and inserting in place thereof the word, so that said paragraph as amended shall read as follows: XII. "Average final compensation" shall mean the average annual earnable compensation of a member during his best five years of creditable service, or if he has less than five years of creditable service, it shall mean his average annual earnable compensation during his total creditable service.

Senator Adams:

"Mr. President, nobody appeared at the hearing against it. The state employees, of course, are very much in favor of it, and the Labor Commissioner is in favor of it. The amendment to the bill has to do with the employees retirement business, where a few state employees are affected. It does this, instead of taking the last five years of their state service, it takes the average of their best five years of service. What can happen, when a state employee nearly reaches his retirement age, he may have an illness of some sort and therefore does not draw for that time that he is unable to work, which will reduce his retirement figure through no fault of his own. This corrects that situation."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Adams, the rules of the Senate were

so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 86, An Act relative to unemployment compensation for certain employees of the state and of political subdivisions and instrumentalities thereof.

### **House Message**

The House of Representatives has passed the following bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HB 409, An Act establishing a state council on the problems of the aging.

HB 450, An Act relative to use of balances of certain bond issues of the city of Portsmouth.

HJR 33, Joint Resolution directing the Governor to conduct a survey to provide adequate planning for a mental health program.

The above bills and joint resolution were read a first and second time.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to dispense with referral to committee and public hearing on HB 409.

Senator DeLude:

“Mr. President, this bill carries a \$500 appropriation. The bill is supported by all the departments that are concerned with these problems, and also by a private citizens group that is interested in this problem.”

On further motion of the same Senator, the above entitled bill was placed on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 409, An Act establishing a state council on the problems of the aging.

On motion of Senator Humphreys, the rules of the Senate were so far suspended as to dispense with referral to committee and public hearing on HB 450, An Act relative to use of balances of certain bond issues of the city of Portsmouth.

Senator Humphreys:

“Mr. President, I believe they have the power to do this down there but someone has raised the legal question, so that is the reason for this bill.”

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading, and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 450, An Act relative to use of balances of certain bond issues of the city of Portsmouth.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to dispense with referral to committee and public hearing on HJR 33, Joint Resolution directing the governor to conduct a survey to provide adequate planning for a mental health program.

Senator DeLude:

“Mr. President, this bill provides for a comprehensive study of the mental health problem of the state. That would be on a state-wide basis — not local communities. It will be done by competent, professional personnel. It provides for a \$10,000 appropriation. I do not believe that any of us oppose a measure of this nature. Our problems are increasing day by day. The state’s responsibility and the state’s awareness are increasing day by day, also. Proper and competent people must give us this information and I urge the Senate to go along with this motion at the present time.”

On further motion of Senator DeLude, the rules of the Senate were so far suspended as to place the above joint resolution on its third reading, and final passage at the present time.

### Third Reading of House Joint Resolution

The following joint resolution was read a third time, and passed:

HJR 33, Joint Resolution directing the governor to conduct a survey to provide adequate planning for a mental health program.

### House Message

The House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials.

The Speaker has appointed as members of such committee on the part of the House, Mrs. Taylor of Whitefield, and Messrs. Cole of Lebanon and Smith of Manchester.

On motion of Senator Merrill, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the President appointed as members of such committee on the part of the Senate, Senators Cleveland and Bergeron.

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 262, An Act relative to the use of fluorine in public water supplies.

The House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

HB 249, An Act relative to the salary of the Hillsborough county solicitor.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 95, An Act relative to change of classification of roads in Bethlehem.

SB 204, An Act relative to payment for claims for damages due to activities of the department of public works and highways.

The House has voted to adopt the reports of the Committee of Conference on the following entitled bills:

SB 165, An Act relating to purchase of liability insurance under a fleet policy.

The Committee of Conference, to whom was referred Senate Bill No. 165, An Act relating to purchase of liability insurance under a fleet policy, having considered the same, reported the same with the following recommendations:

That the Senate recede from its position of non-concurrence, that the House recede from its position in adopting its amendment and the following amendment be adopted:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Duties of Director of Purchase and Property.* Amend paragraph IX of RSA 8:19 by striking out said paragraph and inserting in place thereof the following:

IX. After consultation with, and approval by, the board of approval as established by RSA 93:2, purchase liability insurance under a fleet policy governing the operation of state owned vehicles, and such other insurance and surety bonds as any state department, agency or official may now or hereafter be legally authorized to secure, or required to furnish; provided that approval shall not be granted for any such insurance or surety bonds unless the same have been negotiated for, are procured from and the premium therefor is to be paid to a resident agent of an insurance company registered and licensed to do business in this state. No such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any non-resident agent or non-resident broker any part of the commission on the sale of such insurance or surety bonds. The insurance commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof.

STEWART LAMPREY,

N. A. McMEEKIN,

SCOTT F. EASTMAN,

*Conferees on the Part of the House.*

ELMER ANDERSON,

LUCIEN BERGERON,

*Conferees on the Part of the Senate.*

On a *viva voce* vote the Senate voted to adopt the report.

HB 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway.

The Committee of Conference, to whom was referred House Bill No. 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway, having considered the same, reported the same with the recommendation that the Senate recede from its position in the adoption of its amendments, that the House recede from its position of non-concurrence, and further recommends that the Senate and House concur in the adoption of the following amendment to said bill:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Highway Classified.* The Federal Forest Highway, known as the New Hampshire Forest Highway 8, in the towns of Lincoln, Livermore, Waterville, Albany and Conway, shall hereafter be classified as a class II highway.

IDA M. HORNER,  
FORREST W. HODGDON,

*Conferees on the Part of the Senate.*

EARLE W. CHANDLER,  
ROBERT S. MONAHAN,  
GEORGE McGEE,

*Conferees on the Part of the House.*

On a *viva voce* vote the Senate voted to adopt the report.

### Concurrent Resolution

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the Honorable Senate:

*Whereas*, the Commissioner of the Department of Public Works and Highways is conducting an inquiry concerning the cause of the damage to the Underwood Memorial Bridge in Hampton with the intent that the result of his inquiry be submitted to the Attorney-General for a determination as to whether the cost of repairs should be borne by parties other than the State of New Hampshire, now therefore be it

*Resolved*, that the report of the Commissioner and

Attorney-General be made available to the members of this House, and be it further

*Resolved*, that a copy of this resolution be transmitted to the Commissioner of Public Works and Highways and to the Attorney-General.

On motion of Senator Cleveland, the Senate voted to adopt the above Concurrent Resolution.

### **Observation**

Senator Karkavelas:

“Mr. President, I just want to make an observation here, I don’t think it was fair that the two members selected as members of the Senate on the Committee of Conference on HB 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials, were not from the members of the Finance Committee and not those who voted for the 14:5%. They should have one from each group (1 from the group in favor of the 20:2% and 1 from the group in favor of the 14:5%). I consider this totally unfair. That is my personal opinion.”

### **Committee Report**

HJR 42, Joint Resolution for the development of wayside picnic areas. Report of the Joint Committee on Resources, Recreation and Development, and Finance (Senator Horner): Ought to pass with amendment.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of ten thousand dollars is hereby appropriated to be expended by the recreation division of the forestry and recreation department for the purpose of providing picnic areas on the following state lands; Madison boulder wayside; Sculptured Rocks wayside; Dixville Notch wayside; an Androscoggin wayside area to be located between the junction of routes 110A and 16 and Errol village at suitable location as selected by the recreation division; and Shelburne wayside. The wayside in Shelburne shall be known as the Frederick A. Gardner State Wayside. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

Senator Bennett:

"I will explain the bill and the committee amendment. The original joint resolution, coming in from the House, appropriated the sum of \$10,000 to provide for the erection or development of some wayside picnic areas in the northern part of the state. The House in acting on this bill, took out proposal for Madison boulder wayside in Carroll County, and the consensus of the committee after the hearing was that this should be put back. Another amendment was also to include a wayside area in the town of Groton known as Sculptured Rocks. Mr. Tobey requested both. He believed that the amount of money was ample to take care of both of these areas."

Senator Packard inquired of Senator Bennett if this money is to come out of general funds or by appropriation.

Senator Bennett replied from general funds.

Senator Hodgdon explained:

"I understand that it will come out of general funds. The initial expense comes from general funds for these wayside areas, but thereafter maintenance, etc. comes from the funds of the recreation division."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to place the above House joint resolution on its third reading and passage at the present time.

### **Third Reading of House Joint Resolution**

The following House joint resolution was read a third time, and passed:

HJR 42, Joint Resolution for the development of wayside picnic areas.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

### **Committee Report**

HB 376, An Act making appropriations for capital im-



provements and long term repairs for the state of New Hampshire. Report of the Committee on Finance (Senator Caron): Ought to pass with amendment.

Amend section 1 of the bill by striking out the paragraph "Appropriation" and inserting in place thereof the following:

1. *Appropriation.* The sum of two million, three hundred forty-three thousand one hundred fourteen dollars is hereby appropriated for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, equipment and furnishings as are necessary to complete the same. The estimated costs for the projects are as follows:

Amend section 1 of the bill, in paragraph I. State hospital: by inserting after the figure "150,331." the words and figure, Repairs and improvements to Memorial Unit Building and attached wooden wings \$25,000.00; further amend paragraph I. State hospital: by striking out the word and figure, Total \$459,696., and inserting in place thereof, Total \$484,696.

Further amend section 1 of the bill, in paragraph III Industrial school: by striking out said paragraph and inserting in place thereof the following new paragraph:

III. Industrial school:

Staff cottage	\$16,000.
Boiler conversion	21,160.
Segregation unit	3,329.
Steam line extensions	17,393.
Rewire Riverview	1,418.

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Total	59,300.
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Further amend section 1 of the bill by striking out paragraph IV. Laconia State School: and inserting a new paragraph IV. Laconia state school, as follows:

IV. Laconia state school:

Rewire five buildings	\$29,043.
Geriatric building	387,050.
Pave dirt roads	2,500.
Baker dining room	32,555.
Blood office space	6,171.
Outfall sewer	12,417.

Maintenance buildings —	
laundry	18,774.
Fire protection and	
prevention	59,500.
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Total	*\$548,010.

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\* The amount of bonds required to complete the above capital expenditure shall be reduced by the sum of \$170,000. or so much of said sum as may be realized from the sale of land.

Further amend section 1 of the bill by striking out paragraph VI. Administration and control: and inserting a new paragraph VI as follows:

VI. Administration and control:

Representatives Hall —	
floor, seats and ceiling	*\$54,896.
Representatives Hall —	
toilets	*9,147.
Annex elevators	33,500.
Clean, paint and paint	
archway and central	
light well of State	
House	8,000.
Paint and repair State	
House dome, repair	
or replace eagle	5,800.
Clean bronze statues	1,200.
Renovation and furnishing,	
room 317, State House	**4,100.
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Total	116,643.

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\* Provided that before any plans are approved they must be approved by the Speaker of the House.

\*\* Improvements to be approved by the Senate Finance Committee.

Further amend section 1 of the bill, in paragraph VII, Department of Education: by striking out paragraph (C) Keene teachers college, and inserting in place thereof the following new paragraph:

(C) Keene teachers college:		
Frozen food room	\$11,015.	
Electric line and transformers	9,744.	
Heat controls — Fiske and Huntress	11,757.	
Book store and snack bar	9,747.	
Construction of classroom building	600,000.	
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Total		642,263.

Further amend paragraph VII by striking out the words and figure, Total for department of education 812,520. and inserting in place thereof, Total for department of education 811,677.

Further amend section 1 of the bill in paragraph VIII. Forestry and recreation: by inserting after the item "Wentworth Coolidge mansion 12,750." the following item: Hampton harbor docks 11,000.00; further amend paragraph VIII by striking out the word and figure, Total 46, 218., and inserting in place thereof, Total 57,218.

Further amend section 1 of the bill by striking out paragraph XII. Public works: and inserting in place thereof the following new paragraph XII:

XII. Public works:

Preliminary engineering, inspection and overhead	\$109,781.
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Total	<hr/>	109,781.
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Further amend section 1 of the bill by striking out the word and figure, Total \$2,078,056., and inserting in place thereof, Total \$2,343,114.

Amend the bill by striking out section 2 Recreational, and inserting in place thereof a new section 2, as follows:

2. *Recreational.* The sum of four hundred ten thousand five hundred dollars is hereby appropriated for the recreational division as follows:

Addition to valley station —	
Cannon Mt.	\$64,000.
Cannon mountain — "T" bar	71,000.
Sunapee "T" bar	40,500.
Peabody slopes building	45,000.
Sunapee Base station	65,000.
Tent camping expansion	25,000.
Page site development —	
Winnepesaukee	100,000.
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Total	*\$410,500.

\* Of this amount \$12,922.00 shall be transferred to the Public Works Division for preliminary engineering, inspection and overhead.

Amend section 3 of the bill by striking out said section and inserting in place thereof the following new section:

3. *Department of Education.* The sum of six hundred eighty-eight thousand two hundred dollars is hereby appropriated for the department of education as follows:

Men's dormitory — Plymouth	
teachers college	\$672,000.
Book store and snack bar —	
Keene teachers college	16,200.
Total	*\$688,200.

\* Of this amount \$18,251.00 shall be transferred to the Public Works Division for preliminary engineering, inspection and overhead.

Further amend the bill by striking out section 4.

Amend section 5 of the bill by striking out said section and inserting in place thereof the following new section:

5. *Powers of Governor and Council.* The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking and projects hereinbefore enumerated;

II. To transfer funds from any project named in section 1 to any other project in the same section and to transfer funds from any project named in section 2 to any other project in said section;

III. To delete projects or parts of projects provided such deletion is for the public good or is necessary to keep within the funds appropriated;

IV. To substitute emergency long term repairs projects for any of the projects hereinbefore enumerated if such substitution is necessary for the public good; and

V. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

VI. To authorize expenditures by the public works division, of revenue in excess of appropriations and estimates as shown in sections 1, 2, and 3.

Amend section 6 of the bill by striking out said section and inserting in place thereof the following new section:

6. *Borrowing Power.* To provide funds for the appropriation made in section 1 hereof, the state treasurer is hereby authorized, under direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of two million, three hundred forty-three thousand one hundred fourteen dollars (\$2,343,114); to provide funds for the appropriations made in section 2 hereof not exceeding the sum of four hundred ten thousand five hundred dollars (\$410,500.); to provide funds for the appropriation made in section 3 hereof the sum not exceeding six hundred eighty-eight thousand two hundred dollars (\$688,200.) and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of interest. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

Amend section 10 of the bill by striking out said section and inserting in place thereof the following new section:

10. *Short Term Notes.* Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purpose hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder.

Provided, however, that at no time shall the indebtedness of the state on short term loans, exceed the following sums: (1) not exceeding the sum of two million, three hundred forty-three thousand, one hundred fourteen dollars for borrowing to provide funds for the purposes of section 1, (2) not exceeding the sum of four hundred ten thousand five hundred dollars for borrowing to provide funds for the purposes of section 2; and (3) not exceeding the sum of six hundred eighty-eight thousand two hundred dollars for borrowing to provide funds for the purposes of section 3.

Further amend the bill by renumbering sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 to read, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

Senator Merrill:

"Mr. President, on the desk of each Senator will be found a copy of the proposed changes in the capital budget by the Senate Finance Committee. I think that perhaps after they are explained, there will not be too much objection to them. Although, in the recreation field, there may be some objection. However, I think perhaps I can explain what happened in the House, as I go along.

"First, no changes in the state hospital. Under the State Hospital, we did add to the House items, repairs and improvements to Memorial Unit Building and attached wooden wings. A survey was made sometime back and \$50,000 was appropriated. This was not acceptable. It was felt that it was too high. The Finance Committee cut it down to \$25,000.

"Industrial School. The capital budget included, when it came from the House, an item of \$28,000 for a staff cottage to be occupied by the deputy superintendent of the school. The House struck it out as being an exorbitant figure. But the Senate Finance Committee found out that the deputy had not been provided with any place to live and he was paying his own bills. Therefore, further consideration was given to some type of house for him and it was found that a good type of cottage (pre-fab or similar) could be purchased, erected, maintained and furnished for \$16,000. The committee felt that this was wise and put it in. The House also struck out the sewer project, but the Senate did nothing about that.

"Under Laconia State School, we made a slight change.

The House had deducted from the second item the sum of \$170,000, for the sale of land, which reduced the authorization to \$378,000 and in talking with one of the trustees yesterday, I learned that the trustees have voted to sell the land, but would probably realize about \$100,000. Therefore, we allowed the other amount of authorization for the Laconia State School to which we had added \$5,900 fire protection. And put a footnote as follows: The amount of bonds required to complete the above capital expenditure shall be reduced by the sum of \$170,000, or so much of said sum as may be realized from the sale of land.

“State Prison. The House adjusted the item on the prison farm barn. Also deducted another item from the sale of land.

“In Representatives Hall. Improvements, etc. The only change the House made to this was to make this subject to the Speaker of the House. Improvements and repairs to the State House. To take care of the archway out front. The central light well of the State House. Paint and repair to the State House Dome and repair or replacement of the Eagle.”

Senator DeLude inquired of Senator Merrill:

“Do you think we might possibly put in a line item, stating those of us who have been getting the ‘bird’ all session, might be privileged to bid on the old bird up there?”

Senator Merrill:

“It might be done.”

Senator Rogers requested a brief explanation for striking out fire protection at the Laconia State School.

Senator Merrill:

“We did not strike it out. I merely stated that the House put that in and we accepted it.”

“Next, renovation and furnishing of room 317, which is to be the permanent quarters for the Senate Finance Committee. \$4,100.

“Keene Teachers College. No changes in total of general funds. Merely an adjustment in book store and snack bar. The House had also added a class room which is still in and accepted by the Senate Finance Committee.

“Forestry and Recreation. The House had stricken out

the item for the Hampton Harbor dock, \$11,000. I believe that might have been taken out without full consideration. That was included by the committee. The rest remains the same as passed by the House.

“Public Works remains the same.

“Now for the self-liquidating portion. Recreational. The House struck out the Valley Station at Cannon Mountain. The Senate Finance Committee put it back in. The House struck out Sunapee Base Station — the Senate Finance Committee put it back in. The House reduced the Page development request from \$200,000 to \$100,000. \$100,000 has been added for the Kona Farm development.

“Department of Education. Book store and snack bar at Keene Teachers College. Under powers of governor and council. We have accepted all sections provided by the House. We have added section 6 (borrowing power). That ties in with the amount of money set in the budget of \$760,500 for the biennium and the capital expenditures set forth by the Senate Finance Committee, so if there was any excess of revenue, this amount may be allocated for the completion of the work.

“Short term notes and borrowing power.

“I believe this covers the overall figure of the capital budget as received from the House.”

Senator Packard:

“Mr. President, in my own good judgment and from observations during that nice boat ride that Senator Rogers took us on, and after looking at that property, it is my honest opinion in the Kona Farm area, the state has bought a dog, and to put \$100,000 into that development won't even scratch the surface. It would take a half a million dollars to get that in shape. If the Senate wants to do that, why O.K. Two or three miles or road in horrible condition. I also saw the Page property, which is an excellent piece of property. I believe the state did a wise thing when we bought that. I believe that whatever money we may decide to spend, should be spent on the Page property. I won't discuss the matter of the Lake Shore Park. I offer the following amendment to that section of the capital budget relative to Kona site development:



Strike out the figures of \$100,000 which has been put in by the Senate Finance Committee.

Question being on the amendment offered above by Senator Packard.

(Discussion ensued)

Senator Hodgdon:

"I would like to make a few comments on what Senator Packard has said. About the two or three miles of bad road. The property runs to a side road at the present time. I believe that statement was erroneous. He also said it would take half a million dollars. The recreation division says \$250,000. Two years ago, there was a lot of controversy about a large park at Kona Farm. We felt that the people would be better served if we had two or three parks in different locations around the state. A committee was appointed to take this matter under consideration. Authorized \$250,000 for that purpose. The committee looked at several pieces of property and came up with three or four suggestions and these were recommended to the Governor and Council. I understand that the Governor and Council personally looked this property over before they bought it. I am not going to say that the committee had no judgment or that the Governor and Council had no judgment. Therefore, it would seem a wise thing to me to improve this property and have some income coming back. This would help to lighten the load."

Senator Packard:

"As I stated before, the remarks that I made previously were not a slam against the Governor or anyone else."

Senator Lamontagne spoke in favor of the adoption of the amendment.

Senator Bennett:

"I think we are getting into a lot of hot water in debate on certain areas. If Senator Rogers will take his bill off the table (SB 187), I would move that this matter be laid upon the table. I think it would be a great mistake to act on this Kona Farm and Page property business here at the present time. I move that the section relative to Kona Farm be temporarily laid upon the table until such time as the Senate has taken action on SB 187, the Lake Shore Park bill."

Senator Packard stated that was agreeable to him.

Senator Rogers spoke in support of the motion of Senator Bennett.

On a *viva voce* vote, the motion of Senator Bennett carried.

Senator Rogers moved that SB 187, An Act providing for the acquisition of Lake Shore Park in Gilford, be taken from the table and consideration of same be in order at the present time.

Senator Bennett requested a division.

Nine Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the motion was lost.

On motion of Senator Adams, the Senate refused to reconsider its vote whereby it voted to lay the Kona Farm matter on the table.

Senator Bergeron:

"I move that the Senate reconsider its vote whereby it refused to take SB 187 from the table. I think the issue is very important and that it should be considered."

On a *viva voce* vote, the negative prevailed, and the motion did not carry.

Question now being on the adoption of the amendment offered by Senator Packard.

Senator Bergeron spoke in opposition to this motion.

Senator Bennett inquired if Senator Packard would be willing to amend his amendment to provide for the \$100,000 to be put back in the Page property development.

Senator Packard replied:

"I felt that the Page property is a wonderful piece of property and should be developed immediately. I don't want to give the state any figure. I think Senator Bennett will allow the present motion to go through, he can then offer his amendment.

(Discussion ensued)

Senator Humphreys spoke in favor of amendment of Senator Packard.

Senator Rogers spoke in support of amendment.

Senator Adams:

"I think that we are working here at cross purposes. I would ask for a one hour recess for lunch. Perhaps we could consider this matter then. I so move."

On a *viva voce* vote, the Senate voted to recess until 2:07 o'clock.

(At 1:00 o'clock)

(Recess)

The Senate re-assembled.

Question being on the adoption of the amendment of Senator Packard.

On a *viva voce* vote, the amendment was adopted.

Question being on the adoption of the amendment offered by the Committee on Finance.

Senator Packard offered the following amendment to the amendment:

Under section 3. Laconia State School, delete the following words from the footnote: or so much of said sum as may be realized from the sale of land.

(Discussion ensued)

Senator Packard spoke in favor.

Senator O'Brien presiding.

Senator Ferguson spoke in favor.

Senator Rainie and Senator Adams spoke against the amendment.

Senator Ferguson presiding.

On a *viva voce* vote, the amendment offered by Senator Packard was not adopted.

Question now being on the adoption of the amendment to the amendment offered by the Senate Finance Committee.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted.

The bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rogers moved that SB 187 be taken from the table.

On a *viva voce* vote, the Chair was in doubt and requested a division.

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

Question now being on the motion of Senator Rogers to take SB 187 from the table, on which motion, a division vote has been requested.

Fifteen Senators having voted in the affirmative, and one Senator having voted in the negative, the affirmative prevailed, and the motion carried.

Senator Rogers offered the following amendment:

Amend section 1 of said bill by striking out the words "five hundred thousand" in line 7 and inserting in place thereof the words, four hundred fifty thousand, so that said section as amended shall read as follows:

1. *Authority Granted.* The governor, upon the recommendation of the forestry and recreation commission and with the consent of the council, is hereby authorized to purchase part or all of Lake Shore Park so-called in Gilford, the whole comprising about one hundred nineteen acres, with about three thousand four hundred feet of frontage on Lake Winnepesaukee, and the buildings thereon which are owned by present land owners, with or without the equipment, at a total price of not more than four hundred fifty thousand dollars.

Amend section 4 of said bill by striking out the words "five hundred thousand" in line 1 and inserting in place thereof the words, four hundred fifty thousand, and further amend section 4 by striking out the words "the power of eminent domain shall not be used in acquiring this property" so that said section as amended shall read as follows:

4. *Appropriation.* The sum of four hundred fifty thousand dollars is hereby appropriated for the purchase of Lake Shore Park project to the provisions of section 1.

Amend section 5 of said bill by striking out the words "five hundred thousand" in line 4 and inserting in place thereof the words, four hundred fifty thousand, so that said section as amended shall read as follows:

5. *Bond Issue.* To provide funds for the appropriation provided for in section 4 the state treasurer is hereby authorized, under the direction of the governor and council, to borrow

upon the credit of the state a sum not to exceed four hundred fifty thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. The governor and council shall determine the form of such bonds or notes, the rate of interest, the dates when interest shall be paid, and the time of issue. Such bonds shall be signed by the treasurer and countersigned by the governor. The treasurer may negotiate and sell such bonds or notes under the direction of the governor and council in such manner as they may deem to be most advantageous to the state. Out of the proceeds of the sale of said bonds or notes the governor is authorized to draw his warrant for the sum appropriated by section 4 for the purposes of section 4 only.

Senator Rogers spoke in favor of the adoption of the above amendment.

Senator Lamontagne moved that further consideration of SB 187 be indefinitely postponed, and spoke in favor of his motion.

(Discussion ensued)

Senator Rogers spoke against that motion.

Senator Bergeron moved the previous question, seconded by Senators Caron and Daniel.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question now being on the motion of Senator Lamontagne that the bill be indefinitely postponed.

On this motion, Senator Rogers requested a division.

Senator Bergeron demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, DeLude, Anderson, Paquette, Rainie, Packard, Caron, Provost, Daniel, Bergeron, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Bennett, Rogers, Cleveland, Rhodes and Holmes.

Sixteen Senators having voted in the affirmative, and five Senators having voted in the negative, the affirmative prevailed, and the motion to indefinitely postpone prevailed.

### House Message

The House of Representatives has voted to non-concur

with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference.

HB 262, An Act relative to the use of fluorine in public water supplies.

The Speaker has appointed as members of such committee on the part of the House, the Mr. Sawyer of Brookfield, Miss Collyer of Lisbon, and Mrs. Gagnon of Berlin.

On motion of Senator Adams, the Senate voted not to accede to the request of the House for a Committee of Conference on the above entitled bill.

### **Special Order of Business — 11:01 O'Clock**

Senator Adams called for the Special Order. It being consideration of the amendment offered by the Special Committee to HB 187, An Act to redistrict the state into senatorial districts.

The President recognized Senator Humphreys:

“Mr. President, I believe that we should dispose of this bill expeditiously. Not because I believe that it is of little importance. I think it is of great importance. But because I believe it is possible to dispose of it rapidly. In order to do that, I think that it is not necessary to explain the bill in the first place, because it has been printed in the Journal and so has the proposed amendment. Although I think all the Senators know what the bill is about, and know our obligations to carry out the purposes of the Constitution. I believe that we all know that the Senatorial Districts are way out of proportion. I know that while some are in favor of redistricting, others are not. Some are not in favor of either the bill or the amendment. I think the Senators all realize the amount of work that has gone into the work of the committee appointed last session and also by the members working here in the Senate. I think it would be possible, if the majority of the Senators here wanted to redistrict, it would be possible to pass this bill with the amendment or to make sufficient amendments right here within an hour or less that would suit a majority of the Senate. In order to work expeditiously, if it is the will of the majority of the Senate to refuse to take favorable action on the bill and its amendment, I think that we should not waste time in debating, we should make it

possible to take a vote immediately. I will, therefore, make a motion to accomplish that and will move to lay the bill upon the table. I urge that all of this Senate who believe that we should carry out here and not postpone our obligation in the redistricting. I urge them to vote NO on my motion when it is made. Those Senators, and I think there is hardly any question, I think they will all agree that the redistricting should be done. However, those Senators who do not want the redistricting done at this time, and do not wish to carry out the obligations that we have and want to postpone action and leave it for someone else to do the job, I urge them to vote YES. I move that HB 187, with the proposed amendment be laid upon the table and I urge that those who are in favor of taking action, disposing of this bill, either in its present form or with the current amendment, or with amendment to the amendment, vote no on my motion."

Senator Adams spoke against the motion.

Senator Humphreys demanded a roll call.

The Clerk proceeded to call the roll.

No Senators voted in the affirmative

The following Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, Holmes, Paquette, Rainie, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

The Chair announced that Senator English had been excused at the time of the recess for lunch because of illness.

Twenty-two Senators voted in the negative, and the motion to lay upon the table did not prevail.

On motion of Senator Adams, further action on the above was deferred for a short time

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the following entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 376, An Act making appropriations for capital im-

provements and long term repairs for the state of New Hampshire.

On motion of Senator Merrill, the Senate refused to reconsider its vote whereby it passed the above entitled bill.

Question now being on further consideration of HB 187, An Act to redistrict the state into senatorial districts.

Senator Adams:

"Mr. President, at this time, I move that HB 187 with the proposed amendment be referred to a five member committee of this Senate to study the whole problem of redistricting and report back to the 1957 Senate."

Senator Bennett spoke in strenuous opposition to the motion as being simply a deliberate attempt to do here what needs to be done.

Senator Lamontagne in favor of the motion.

(Discussion ensued)

Senator Caron moved the previous question, seconded by Senator Adams.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question now being on the adoption of the amendment offered by Senator Adams.

Senator Karkavelas requested a division.

Thirteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion prevailed.

On motion of Senator Adams, the Senate refused to reconsider its vote on the above motion.

### Report of Committee of Conference

The Committee of Conference, to whom was referred SB 57, An Act providing for hearing in case of failure to re-nominate or reelect a teacher, having considered the matter, report the same with the following recommendation: That the House recede its position in adopting its amendment, that the Senate recede from its position of non-concurrence in the House amendment and further recommends that the Senate and the House concur in the following amendment to the bill:



Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Teachers.* Amend RSA 189 by inserting after section 14 the following new sections: 189:14-a. *Failure to be Renominated or Reelected.* Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before March 15 if he is not to be renominated or reelected. Any such teacher who has taught for three or more years in the same school district and who has been so notified may request in writing within five days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within fifteen days. The school board shall issue its decision in writing within fifteen days of the close of the hearing.

189:14-b. *Review by State Board.* A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within ten days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within fifteen days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties.

NELLE L. HOLMES,  
MARGARET B. DeLUDE,

*Conferees on the Part of the Senate.*

JOSEPH D. VAUGHAN,  
STEWART LAMPREY,  
ELEANORA C. NUTTER,

*Conferees on the Part of the House.*

Senator Holmes, moved that the Senate adopt the report of the Committee of Conference on the above entitled bill, and spoke in favor of the motion.

Senator Bennett and Senator Rhodes spoke against the motion.

Senator DeLude spoke in favor of the motion.

On the above motion, Senator Bennett demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Rogers, DeLude, Anderson, Holmes, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Horner, Hodgdon, Bennett, Rhodes, and Rainie.

Senators Cleveland and Bergeron were attending a Committee of Conference and were not in the Senate Chamber at the time of the above roll call.

Fifteen Senators having voted in the affirmative, and five Senators having voted in the negative, the affirmative prevailed, and the Committee of Conference was adopted.

On motion of Senator DeLude, the Senate refused to reconsider its vote on the above.

On motion of Senator Adams, the rules of the Senate were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

HB 331, An Act relative to powers of mayor and aldermen over finance commission in the city of Manchester. Report of the Special Committee, composed of Senators Packard, Caron, Provost, Daniel and Adams (Senator Caron) : Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Manchester Finance Commission.* Amend chapter 226 of the Laws of 1951 by inserting after section 6 the following new section: Section 6-a. Notwithstanding the other provision of this chapter any resolution or ruling of the finance commission may be overruled by the affirmative vote of two-thirds of all the elected members of the board of aldermen of the city, provided however, that the mayor must concur with the two-thirds vote. A vote to overrule a decision of the finance commission shall be filed in the office of the city clerk.

2. *Referendum.* This act shall not take effect unless it

is adopted by a majority vote at the regular municipal election to be held in the city of Manchester in November 1957. The city clerk then in office shall cause to be included on the ballot then used the following question: "Shall any resolution or ruling of the finance commission be overruled by the affirmative vote of two-thirds of all the elected members of the board of aldermen of the city, provided however, that the mayor must concur with the two-thirds vote?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each said word in which the voter may indicate his choice.

3. *Takes Effect.* The provisions of section 2 of this act shall take effect upon its passage and the provisions of section 1 shall take effect January 1, 1958, if adopted by the voters of the city of Manchester at the regular municipal election held in November 1957.

The Clerk read the amendment.

Senators Adams, Packard and Daniel spoke in favor of the adoption of the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Adams, the rules of the Senate were so far suspended as to place the above entitled bill on third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 331, An Act relative to powers of mayor and aldermen over finance commission in the city of Manchester.

### **House Message**

The House of Representatives has voted to non-concur with the Honorable Senate in the passage of its amendment to the following entitled bill, and asks for a Committee of Conference:

HB 376, An Act making appropriation for capital improvements and long term repairs for the state of New Hampshire.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Bell of Plymouth, Cole of Lebanon, and Belcourt of Nashua.

On motion of Senator Merrill, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Hodgdon and Caron.

Senator Caron asked to be excused from serving on the above Committee of Conference.

The Chair appointed Senator Lamontagne to serve in her place.

### **Introduction, First and Second Reading of Senate Bill**

SB 212, An Act relative to equalization of taxes of the wards of cities. Introduced by Senator Humphreys.

The above entitled bill was read a first and second time.

On motion of Senator Humphreys, the rules of the Senate were so far suspended as to dispense with printing, referral to the committee, and public hearing on the above entitled bill.

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of Senate Bill**

The following entitled bill was read a third time, and passed:

SB 212, An Act relative to equalization of taxes of the wards of cities.

Senator Rainie offered the following resolution:

*Resolved*, that the Committee on Ways and Means, to whom was referred HB 269, An Act relative to motor vehicle tolls, is instructed and ordered to report with or without recommendations to the Senate on or before Tuesday, July 30, at 11:00 o'clock.

(Discussion ensued)

Senator Rainie spoke in favor of the motion.

Senators Adams, Packard, and DeLude spoke against the motion.

At the request of Senator Rogers, Senator Rainie withdrew his resolution.

On motion of Senator Humphreys, the Senate refused to reconsider its vote on SB 112, An Act relative to equalization of taxes of the wards of cities.

On motion of Senator Humphreys, the Senate went into afternoon session.

### **Afternoon Session**

#### **Engrossed Bills**

SB 171, An Act relative to rights of surviving husband and wife.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

### **House Message**

The House of Representatives has voted to non-concur with the Honorable Senate in the passage of the following entitled bill and asks for a Committee of Conference:

HB 331, An Act relative to powers of mayor and aldermen over finance commission in the city of Manchester.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Pillsbury of Manchester; Craig of Manchester and King of Manchester.

On motion of Senator Adams, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Daniel and Adams.

On motion of Senator O'Brien, the Senate adjourned at 4:32 P. M. to meet next Tuesday morning at 11:00 o'clock.

TUESDAY, JULY 30, 1957

The Senate met at 11:00 o'clock.

### **Introuction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guests of Senator Paquette, Mr. Kenneth Latour, son of Representative John Latour of Nashua, and his friend, Ronald Dube, and Maurice F. O'Brien, all of Nashua.

As the guest of Senator Rogers, the former Assistant Clerk of the Senate, Judge Frank Ayer of Alton.

As the guest of Senator Provost, Midshipman William J. Meisel of Annapolis, formerly of Manchester, now of Alton, Illinois.

As the guest of Senator Bennett, the former Senator from District No. 5, Earl Hewitt of Hanover, publisher of the Hanover Gazette.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 399, An Act to authorize the employment of an additional assistant attorney general and clerical assistance for the law department.

### **Introduction, First and Second Reading of House Bill**

HB 399 to the Committee on Finance.

### **House Message (continued)**

The House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 51, An Act relative to the salaries of the judges of the probate courts.

SB 207, An Act relative to the sale of the Berlin Armory.

The House has voted to concur with the Honorable Senate in its amendments to the following joint resolutions:

HJR 64, Joint Resolution providing for a portrait of Captain Harl Pease, Jr. for the Pease Air Base.

HJR 42, Joint Resolution for the development of picnic areas.

The Chair announced that in conformity with the action of the House and Senate in connection with HJR 64, Joint Resolution providing for a portrait of Captain Harl Pease, Jr. the Chair would appoint Senator O'Brien as the Senate representative to procure a portrait of Captain Harl Pease, Jr. for the Pease Air Base.

### **House Message (continued)**

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 86, An Act relative to unemployment compensation for certain employees of the state and of political sub divisions and instrumentalities thereof.

HB 116, An Act relative to fishing, sale of bait, and hunting and fishing licenses for members of the armed forces and military personnel.

The House has voted to adopt the report of the Committee of Conference on the following entitled bill:

SB 165, An Act relating to purchase of liability insurance under a fleet policy.

The House has voted to adopt the following Concurrent Resolution:

### **Concurrent Resolution**

#### **with respect to the Poultry Industry**

*Resolved by the Senate and House of Representatives in General Court convened:*

*Whereas*, the current low markets for poultry and poultry products have had a serious effect on the poultry industry in New Hampshire, one of the two largest agricultural industries of our state, and

*Whereas*, poultry producers are presently troubled by the low economic returns for their labor, and investment, and

*Whereas*, new factors developments in the national poultry situation have entered the picture and appear to be seriously jeopardizing the future of this great enterprise, and

*Whereas*, the loss of a substantial portion of this business would reflect on the economy of the State of New Hampshire, now therefore be it

*Resolved*, that the Congress of the United States be requested to investigate the poultry situation to determine if

there is any violation of the Anti-Trust laws of the United States.

The House has voted to adopt the report of the Committee of Conference on the following entitled bill, sent down from the Honorable Senate:

SB 57, An Act providing for hearing in case of failure to renominate or re-elect a teacher.

The Committee of Conference, to whom was referred SB 57, An Act providing for hearing in case of failure to renominate or re-elect a teacher, having considered the matter, report the same with the following recommendation: That the House recede its position in adopting its amendment, that the Senate recede from its position of nonconcurrence in the House amendment and further recommends that the Senate and the House concur in the following amendment to the bill:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Teachers.* Amend RSA 189 by inserting after section 14 the following new sections: 189:14-a. *Failure To Be Renominated or Re-elected.* Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before March 15 if he is not to be renominated or re-elected. Any such teacher who has taught for three or more years in the same school district and who has been so notified may request in writing within five days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or re-elected. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within fifteen days. The school board shall issue its decision in writing within fifteen days of the close of the hearing.

189:14-b. *Review by State Board.* A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within ten days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter.



Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within fifteen days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties.

NELLE L. HOLMES,  
MARGARET B. DeLUDE,

*Conferees on the Part of the Senate.*

JOSEPH D. VAUGHAN,  
STUART LAMPREY,  
ELEANORA C. NUTTER,

*Conferees on the Part of the House.*

The House refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 81, An Act relative to salaries of city officials and employees.

### Committee Reports

HB 359, An Act defining agricultural farming and farm under the motor vehicle laws. Report of the Committee on Agriculture (Senator Provost): Ought to pass with amendment.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect April 1, 1958.

The President recognized Senator Hodgdon:

“Mr. President, this is a new section of the Motor Vehicle Department to define the regulating of farm plates. The Commissioner of the Motor Vehicle Department wants it so that he will have some basis on which to determine what shall be issued under farm plates. The Commissioner of Agriculture appeared in favor, also the Farm Bureau. No opposition.”

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

HB 133, An Act to provide for the registration of private nursery schools. Report of the Committee on Education (Senator Merrill): Ought to pass.

Senator Holmes:

"Mr. President, this bill was introduced into the House by a Representative from Keene, applying to nursery schools and amended in the House to include kindergartens. It is a bill to provide for inspection, by the Health Department, of private nursery schools and kindergartens. The bill clearly states that it has nothing to do with foster homes or the regular school system. It is brought under the auspices of the welfare council. The problem has been studied, and this is the recommendation. Inspection will be made by regular Health Department officers. The fee will be \$1.00. The department felt that there should be some inspection. This inspection can be made at the time the inspector is making inspections in the area, and will therefore not cause the need for another trip being made."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 444, An Act relative to a study of procedures for making up checklists. Report of the Committee on Ways and Means (Senator DeLude): Ought to pass.

Senator Rainie:

"Mr. President, under this bill, the Legislative Council is expected to make a study of procedure for making up checklists. This covers taking of names from the checklist in cases where a person has not voted for a number of years, etc. Will decide the matter of whether a survey should be made of checklists, etc. To report their recommendations back to the 1959 Legislature. It is a plan for clearing up checklists, and is placed in the hands of the Legislative Council."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires. Report of the Committee on Engrossed Bills (Senator Horner): Under Joint Rule No. 6 with the following amendment:

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Mutual Aid.* Amend RSA 154 by inserting after section 30 the following new subdivision:

Further amend section 1 of said bill by renumbering the

paragraphs numbered 154:31 to 154:37, inclusive to read 154:30-a to 154:30-g.

On motion of Senator Rhodes, the Senate voted to adopt the amendments offered by the Committee on Engrossed Bills to the above entitled bill.

HB 406, An Act to establish the New Hampshire Distributing Agency. Report of the Joint Committee on Agriculture and Finance (Senator Merrill): Ought to pass with amendment.

Amend paragraph 8-A:2 as inserted by section 1 of said bill by striking out the words "with the advice and counsel" in lines 3 and 4 and inserting in place thereof the words, under the supervision, so that said paragraph as amended shall read as follows:

8-A:2. *Director.* The comptroller, subject to the approval of the governor, shall appoint a director of the distributing agency. Said director shall be the executive head of the agency and administer its affairs under the supervision of the comptroller. Said director shall hold office during good behavior provided that upon the dissolution of said agency as provided by section 9 the term of office of the director shall terminate, and provided further that he may be removed under the provisions of RSA 4:1.

On motion of Senator Hodgdon, the reading of the amendment was dispensed with.

Senator Hodgdon:

"Mr. President, this takes out the words, with the advice and counsel, and adds the words, under the supervision of the comptroller. That is all the amendment does."

On a *viva voce* vote, the amendment was adopted.

Senator Hodgdon:

"Mr. President, this bill sets up a New Hampshire Distributing Agency under an act of the Legislature. There has been some question by the federal government as to the legality of action made under one Governor and Council and carried out by another Governor and Council. It makes no change in the agency, which takes care of surplus commodities. No money involved. It is on a self sustaining basis. The Governor and Council will appoint the Director who will

operate under the supervision of the comptroller. At the hearing, it was favored by the Commissioner of Agriculture. No opposition."

The bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Hodgdon, the rules of the Senate were so far suspended as to place the following entitled bills on their third reading and final passage at the present time.

### Third Reading of House Bills

The following entitled bills were read a third time, and passed:

HB 359, An Act defining agricultural farming and farm under the motor vehicle laws.

HB 406, An Act to establish the New Hampshire Distributing Agency.

### House Message

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 209, An Act relating to deputy clerks of court, and sheriffs' services.

Amend section 1 of said bill by inserting at the end thereof the following words, and the continued approval of the court, so that said section as amended shall read as follows:

1. *Deputy Clerks of Superior Court.* Amend RSA 499:13 by striking out said section and inserting in place thereof the following: 499:13. *Appointment.* A clerk of court may appoint one or more deputies with the approval of the superior court to perform the duties of his office while the clerk is absent or unable from any cause to act. The deputies so appointed shall hold office during the incumbency or pleasure of the clerk and the continued approval of the court.

Amend Senate Bill No. 209 by striking out Section 2 of the same and substituting in place thereof the following:

2. *Sheriffs' Accounts.* Amend RSA 104 by striking out Section 20 and substituting in place thereof the following:

20. *Account.* The sheriff shall, on monthly return days in January, April, July and October, submit to the county commissioners, at a term of the superior court, a statement in detail of all services of himself or of his deputies for which the county is chargeable, and such amount shall be allowed thereon as is just. The county solicitor of each county shall attest to the accuracy of all accounts submitted by the sheriff. No such account shall be allowed unless presented within ninety days after the service was performed.

On motion of Senator Lamontagne, the Senate voted to nonconcur in the adoption of the amendments to the above entitled bill, and requested that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Cleveland and Paquette.

#### **Motion to Recall Bill from the Governor**

Senator English moved that HB 333, An Act relative to mileage allowance for members of the general court, be recalled from the Governor, and spoke as follows in favor of the motion:

"Mr. President, I make this request because one or two Senators in discussing this matter, have stated that they would like to consider the matter further. . . . ."

Senator Lamontagne spoke against the motion.

Senator Adams spoke against the motion.

Senator DeLude spoke against the motion.

Senator Cleveland spoke in favor of the motion.

(Discussion ensued)

Senator Karkavelas moved the previous question, seconded by Senator Lamontagne.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator English to recall HB 333 from the Governor.

On this question, the Chair requested a division vote.

Eight Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

On motion of Senator Adams, the Senate refused to reconsider its vote where it passed the above entitled bill.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred HB 416, An Act making appropriations for the state of New Hampshire for the year ending June 30, 1958, having considered the same, report the same with the following recommendations:

1. That the House recede from its position of non-concurrence with the following Senate amendments and concur in the adoption of said amendments:

The amendment to the bill in the appropriation for the Executive Branch, in the paragraph, Office of Governor.

The amendment to the bill in the appropriation for Executive Branch, in the paragraph, Executive Council.

The amendment to the bill in the appropriation for Adjutant General's Department, in the paragraph, Central Administrative Office.

The amendment to the bill in the appropriation for Administration and Control, in the paragraph, Division of Buildings and Grounds.

The amendment to the bill in the appropriation for the Department of Agriculture, in the paragraph, Office of Commissioner.

The amendment to the bill in the appropriation for the Department of Agriculture, in the paragraph, Division of Markets and Standards.

The amendment to the bill in the appropriation for the Forestry Division, Forestry and Recreation, in the paragraph, Forest Fire Supervision.

The amendment to the bill in the appropriation for the Forestry Division, Forestry and Recreation, in the paragraph, Lookout Stations.

The amendment to the bill in the appropriation for the Forestry Division, Forestry and Recreation, in the paragraph, Forest Improvement Fund.

The amendment to the bill in the appropriation for the Department of Health, in the paragraph, Administration: state.

The amendment to the bill in the appropriation for the

Department of Health, in the paragraph, Public Health Nursing: state.

The amendment to the bill in the appropriation for the Department of Health, in the paragraph, Commission on Alcoholism: state.

The amendment to the bill in the appropriation for the Barbers Board.

The amendment to the bill in the appropriation for the Insurance Department in the paragraph, Rating Division.

The amendment to the bill in the appropriation for the Insurance Department, by adding the footnote.

The amendment to the bill in the appropriation for the department of Public Welfare, in the paragraph, Field Services.

The amendment to the bill in the appropriation for the Recreation Division, Forestry and Recreation, being 2 footnotes.

The amendment to the bill in the appropriation for the Secretary of State, in the paragraph, Office of Secretary.

The amendment to the bill in the appropriation for the Secretary of State, in the paragraph, Elections.

The amendment to the bill in the appropriation for the State Library in the paragraph, Administration.

The amendment to the bill in the appropriation for State Treasury, in the paragraph, Office of the Treasurer.

The amendment to the bill in the appropriation for State Treasury, in the paragraph, Highway Division.

The amendment to the bill in the appropriation for Industrial School, in the paragraph, Custodial Care.

The amendment to the bill in the appropriation for Laconia State School, in the paragraph, Administration.

The amendment to the bill in the appropriation for State Hospital, in the paragraph, Memorial Unit.

The amendment to the bill in the appropriation for Board of Education, in the paragraph, Administration.

The amendment to the bill in the appropriation for Aeronautics Commission.

The amendment to the bill in the appropriation for Bank Commissioner.

The amendment to the bill in the appropriation for Planning and Development Commission.

The amendment to the bill in the paragraph for Racing Commission being a footnote to said paragraph.

The amendment to the bill in the appropriation for Water Pollution Commission; federal.

The amendment to the bill in the appropriation for Teachers' Retirement System.

The amendment to the bill in the appropriation for Mental Hygiene and Child Guidance Clinic, in the paragraph, State funds.

The amendment to the bill in the appropriation for Mental Hygiene and Child Guidance Clinics, in the paragraph, Federal funds.

The amendment to the bill in the appropriation for Public Works Division.

The amendment to the bill in the appropriation for Fish and Game Department, in the paragraph, Conservation Officers.

The amendment to section 7 of the bill relative to the procedure for collections from banking institutions.

2. The Committee of Conference further recommends that with respect to the following amendments proposed by the Senate, the Senate recede from its position in adopting said amendments, the House recede from its position of non-concurrence in said amendments, and the House and Senate concur in the following amendments to the bill:

Amend said bill by striking out the paragraph relative to the appropriation for the Legislative Branch and inserting in place thereof the following:

A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and which shall be for the expenses of the legislature, including \$34,853.00 for the office of legislative budget assistant to the appropriations and finance committees, and \$6,500.00 for the office of research analyst to the senate finance committee, as follows: (Salary of legislative budget assistant \$9,700.00, other personal services \$21,403.00, current expenses \$850.00, travel \$800.00, equipment \$100.00, other expenditures \$2,000.00\*) (Salary of research analyst to senate finance committee \$6,000.00, other expenditures \$500.00.)



	\$325,000.00
Legislative council†	2,500.00
Council of state governments	2,500.00
	<hr/>
Total for legislative branch	\$330,000.00
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\* The sum herein appropriated, or so much as may be necessary, shall be expended by the legislative budget assistant for the purpose specified. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14, RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

† The funds in this appropriation shall not lapse but shall be available for expenditures in the following year.

Amend the bill in the appropriation for department of health, in the paragraph, Maternal and Child Health and Crippled Children's Services: state, by striking out said paragraph and inserting in place thereof, the following:

Maternal and child health and	
crippled children's services: state	
Personal services	\$21,340.26
Current expenses	33,189.00
Travel	600.00
Other expenditures:	
Convalescent care and clinics	+60,000.00
	<hr/>
Total	115,129.26

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Note: It is the intent of the legislature that the amount hereinabove appropriated for Convalescent Care and Clinics may be expended for the purpose specified at any institution which can prove to the satisfaction of the department of health its qualifications as a rehabilitation center.

† The division of investigation of accounts shall investigate the ability to pay of patients and those legally chargeable for their support and maintenance for care, treatment or

maintenance furnished hereunder and the expenses of said care, treatment or maintenance may be recovered in an action in the name of the state from the patient or those persons chargeable with his support where said person or persons have a weekly income or other resources more than sufficient to provide a reasonable subsistence with decency and health.

Amend the bill in the appropriation for department of health in the paragraph, Food and Chemistry: state, by striking out said paragraph and inserting in place thereof the following:

Food and Chemistry: state

Personal services	\$55,084.31
Current expenses	3,970.00
Travel	12,200.00
Equipment	7,370.00

Total	78,624.31
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Amend the bill in the appropriation for department of health in the paragraph, Sanitary engineering: state, by striking out said paragraph and inserting in place thereof the following:

Sanitary engineering: state

Personal services	\$47,723.12
Current expenses	3,959.00
Travel	7,125.00

Total	58,807.12
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Amend the bill in the appropriation for the department of labor by striking out the entire paragraph and inserting in place thereof the following:

For department of labor:

Office of commissioner:

Salary of commissioner	\$6,971.25
Salary of deputy commissioner	5,635.18
Other personal services	3,390.16
Current expenses	2,076.00
Travel	1,100.00

Total	\$19,172.59
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## Inspections division:

Personal services	\$31,872.18
Current expenses	1,990.00
Travel	7,500.00
Equipment	380.00

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Total	41,742.18
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## Workmen's compensation division:

Personal services	\$23,226.92
Current expenses	2,701.50
Equipment	745.00

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Total	26,673.42
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New Hampshire apprenticeship council	100.00
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Total for department of labor	\$87,688.19
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Note: In the labor department the person holding the position of Clerk Stenographer II in the Inspections Division and the person holding the position of Clerk Stenographer II in the Workmen's Compensation Division shall each be reclassified as Clerk IV and shall be paid the minimum salary as such Clerk IV. Nothing herein shall be construed as eliminating from the said divisions the positions of Clerk Stenographer II but said positions so vacated may be filled by the department.

Amend the bill in the appropriation for Veterans Council by striking out and inserting in place thereof the following:

## For veterans council:

Personal services	\$10,223.86
Current expenses	828.00
Travel	2,900.00
Equipment	120.00
Other expenditures:	
Veterans burials	4,500.00

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Total	\$18,571.86
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Amend the bill in the appropriation for Laconia State School, in the paragraph Custodial care, by striking out the words and figure, Personal services \$114,533.02 and inserting in place thereof, Personal services \$157,896.86; further amend

said paragraph by striking out the word and figure, Total 341,233.02 and inserting in place thereof, Total 384,596.96; further amend said paragraph by adding at the end thereof the following footnote:

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Note: Of this appropriation the amount of 43,363.84 shall be expended only for the purpose of providing additional supervisory personnel.

Amend the bill in the appropriation for Board of Education in the paragraph, Area Vocational Schools, state: by striking out said paragraph and inserting in place thereof the following:

Area vocational schools: state	
Personal services	\$2,518.04
Current expenses	300.00
Travel	100.00
Other expenditures:	
Reimbursement to school districts	46,981.96
<hr/>	
Total	49,900.00

Amend the bill in the appropriation for Liquor Commission, in the paragraph, Beer Administration: by striking out said paragraph and inserting in place thereof the following:

Beer administration:	
One-half salary of three	
commissioners	\$12,006.59
Other personal services	77,463.47
Current expenses	9,840.00
Travel	24,500.00
Equipment	565.00
Other expenditures:	
Retirement	2,650.00
OASI	2,075.00
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Total	129,100.06

Further amend the appropriation for Liquor Commission, in the paragraph, Liquor enforcement, by striking out said paragraph and inserting in place thereof the following:

Liquor enforcement:	
Personal services	\$25,341.85

Current expenses	140.00	
Travel	6,500.00	
Other expenditures:		
Retirement	475.00	
OASI	375.00	
Total		32,831.85

Further amend the appropriation for Liquor Commission in the paragraph, Stores Operation, by striking out the paragraph and inserting in place thereof the following:

Stores operation:

Personal services	\$610,931.68	
Current expenses	224,000.00	
Travel	9,000.00	
Equipment	5,415.00	
Other expenditures:		
Retirement	17,788.27	
OASI	13,745.96	
Total		880,880.91

Further amend said bill by inserting after section 8 the following new sections:

9. *Senate Finance Committee.* Amend RSA 14 by adding at the end thereof the following new sections:

14:40. *Research Analyst to Senate Finance Committee.* There shall be a research analyst to the senate finance committee whose duties shall be prescribed by said committee and shall include but not be limited to special analyses of certain budgetary matters deemed essential to efficient processing of the budget by said committee, and attendance at all hearings on state budgets as provided by RSA 9:7. Said Analyst shall receive such compensation as is determined by the legislature upon recommendation of said senate finance committee. Said analyst shall be exempt from the personnel law and sections 2, 3, and 5 of this act. Said analyst shall on request furnish reasonable information to the members of the Senate.

14:41. *Information and Office Space.* All state departments, institutions, boards, commissions and agencies of state government shall provide such information as may be required by said senate finance committee. Notwithstanding the provisions of other statutes, room 317 in the state house is

hereby assigned for the permanent use of the senate finance committee and for the office of the research analyst thereto, and said room 317 shall not henceforth be available for any other purpose.

14:42. *Senate Finance Committee.* The senate finance committee shall meet from time to time but not more frequently than three times a year in the interim between legislative sessions to direct the duties of the research analyst to the senate finance committee. The members of said committee shall serve without compensation but shall be reimbursed for travel expenses at the prevailing legislative rate, said reimbursement to be a charge upon the appropriation made for the legislative branch.

14:43. *Transfer.* Any unexpended balance of appropriation for the office of research analyst to the legislative council existing as of June 30, 1957, and all equipment, supplies and materials are hereby transferred to the office of research analyst to the senate finance committee. The research analyst now in office shall be the research analyst to the senate finance committee. Upon such transfer RSA 17:8 is repealed.

10. *Salary Increases.* In addition to the salaries provided herein for the office of legislative budget assistant to the appropriations and finance committees, each assistant in said legislative budget assistant's office shall receive as a salary increase an amount equal to 15% of his present salary, and salaries thus established shall be maintained at the levels arrived at throughout the period July 1, 1957 to June 30, 1959. All salary increases in the legislative budget assistant's office shall be paid from accumulated surplus within the agency's account.

11. *Space for Legislative Use.* Rooms in the state house used for legislative officials, committees and employees at the 1957 session of the general court may be temporarily assigned by the governor and council for use by state departments provided that said rooms shall be vacated by said state departments by December 1 preceding any regular session of the general court.

12. *Judges of Probate.* In addition to the appropriations for salaries for judges of probate as provided in this

act and in the act for the appropriations for the fiscal year ending June 30, 1959 there are hereby appropriated the sum of \$5,700,000 for the fiscal year ending June 30, 1958 and a like sum for the fiscal year ending June 30, 1959.

Further amend said bill by renumbering section 9 to read section 13.

DEAN B. MERRILL,  
ELMER ANDERSON,  
LUCIEN BERGERON,

*Conferees on the Part of the Senate.*

SHELBY O. WALKER,  
KENNETH BELL,  
JESSE ROWELL,  
MARION ATWOOD,  
WILLIAM CRAIG, Jr.,

*Conferees on the Part of the House.*

On motion of Senator Merrill, the reading of the amendments was dispensed with.

Senator Merrill:

“Mr. President, the Conference Committee has completed their work and recommend the following. As you will recall, the House non-concurred on all the amendments offered by the Senate. The first section is merely a repetition of all the divisions of the budget which the House and Senate acted upon without the conference. I will not take the time to go over all of those things. First, we agreed on the amount of the executive council and the change in the Governor’s budget. A slight change in the division of buildings and grounds. Changes in the Bureau of Markets, in Department of Agriculture. Then, the first point of conflict on the legislative branch in setting up the expenses of the legislature. In the office of legislative budget assistant, increased salary to \$9,700, and increased the salary of the research budget analyst to \$6,000. The Committee of Conference approved. Did not change the title of that position, as has been approved in the Senate. In the mental hygiene and child guidance clinic (crippled children) the Committee of Conference agreed on \$60,000 for the first year of the bien-nium and \$50,000 for the second year. In the division of health, relative to state owned cars. That was acceptable to

the House. In the Labor department, two positions, clerk 4. The House accepted. Veterans' Council — only the matter of state owned cars. Laconia State School — accepted the additional funds provided for personnel, but changed the footnote so instead of attendants 3, it was changed to read additional supervisory personnel, so that the School would not be hampered in the hiring of personnel. They provided 2 instead of 3. This cleared the Legislature. Area Vocational training — the Senate agreed to the House position and took it from general funds, which would return the amount to State Aid. Liquor Commission — \$6,000 additional for personal services. Also removed state owned cars. In the section dealing with proposal of Senate Finance Committee — Research analyst provided office space in Room 317, all right. I think that, on the whole, the Senate did reasonably well, seeing that they did not have too much to dicker with. We did add a section in regard to probate judges' salaries. \$5,700 a year for each year to provide for the increases in salaries already passed in a bill by both branches. It did not get into the budget bill and this was the only way it could be put in. Other increases were provided in the legislative budget assistant's office — 15% increase of their current salaries to take care of raises in that particular department. Provided that the Legislature may still use the space it now occupies for the next session of the general court. The line item on economic growth survey was acceptable to the House Committee. This will appear in the Planning and Development section of the budget."

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred HB 417, An Act making appropriations for the state of New Hampshire for the year ending June 30, 1959, having considered the same, report the same with the following recommendations:

1. That the House recede from its position of non-concurrence with the following Senate amendments and concur in the adoption of said amendments.

The amendment to the bill in the appropriation for the Executive Branch, in the paragraph, Office of Governor.



The amendment to the bill in the appropriation for the Executive Branch, in the paragraph, Executive Council.

The amendment to the bill in the appropriation for Adjutant General's Department, in the paragraph, Central Administrative Office.

The amendment to the bill in the appropriation for the Forestry Division, Forestry and Recreation, in the paragraph, Forest Fire Supervision.

The amendment to the bill in the appropriation for the Forestry Division, Forestry and Recreation, in the paragraph, Forest Improvement Fund.

The amendment to the bill in the appropriation for the Department of Health, in the paragraph, Administration: state.

The amendment to the bill in the appropriation for the Department of Health, in the paragraph, Public Health Nursing: state.

The amendment to the bill in the appropriation for the Department of Health, in the paragraph, Commission on Alcoholism: state.

The amendment to the bill in the appropriation for the Barbers Board.

The amendment to the bill in the appropriation for the Insurance Department, by adding the footnote.

The amendment to the bill in the appropriation for the department of Public Welfare, in the paragraph, Field Services.

The amendment to the bill in the appropriation for the Recreation Division, Forestry and Recreation, being 2 footnotes.

The amendment to the bill in the appropriation for the Secretary of State, in the paragraph, Office of Secretary.

The amendment to the bill in the appropriation for the Secretary of State, in the paragraph, Elections.

The amendment to the bill in the appropriation for the State Library, in the paragraph, Administration.

The amendment to the bill in the appropriation for State Treasury, in the paragraph, Office of the Treasurer.

The amendment to the bill in the appropriation for State Treasury, in the paragraph, Highway Division.

The amendment to the bill in the appropriation for Industrial School, in the paragraph, Custodial Care.

The amendment to the bill in the appropriation for Laconia State School, in the paragraph, Administration.

The amendment to the bill in the appropriation for State Hospital, in the paragraph, Memorial Unit.

The amendment to the bill in the appropriation for State Prison, in the paragraph, Custodial Care.

The amendment to the bill in the appropriation for Board of Education, in the paragraph, Administration.

The amendment to the bill in the appropriation for Aeronautics Commission.

The amendment to the bill in the appropriation for Bank Commissioner.

The amendment to the bill in the appropriation for Planning and Development Commission.

The amendment to the bill in the appropriation for Public Utilities Commission, in the paragraph, Office of Commissioners.

The amendment to the bill in the paragraph for Racing Commission being a footnote to said paragraph.

The amendment to the bill in the appropriation for Water Pollution Commission: federal.

The amendment to the bill in the appropriation for Teachers' Retirement System.

The amendment to the bill in the appropriation for Mental Hygiene and Child Guidance Clinic, in the paragraph, State funds.

The amendment to the bill in the appropriation for Mental Hygiene and Child Guidance Clinics, in the paragraph, Federal funds.

The amendment to the bill in the appropriation for Public Works Division.

The amendment to the bill in the appropriation for Fish and Game Department, in the paragraph, Conservation Officers.

The amendment to section 2 of the bill relative to the procedure for collections from banking institutions.

2. The Committee of Conference further recommends that with respect to the following amendments proposed by the Senate, that the Senate recede from its position in adopt-

ing said amendments, the House recede from its position of non-concurrence in said amendments, and the House and Senate concur in the following amendments to the bill.

Amend said bill by striking out the paragraph relative to the appropriation for the Legislature Branch and inserting in place thereof the following:

A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and which shall be for the expenses of the legislature, including \$36,053.00 for the office of legislative budget assistant to the appropriations and finance committees, and \$6,500.00 for the office of research analyst to the senate finance committee, as follows: (Salary of legislative budget assistant \$9,700.00, other personal services \$22,603.00, current expenses \$850.00, travel \$800.00, equipment \$100.00 other expenditures \$2,000.00\*) (Salary of research analyst to senate finance committee \$6,000.00, other expenditures \$500.00.)

	\$325,000.00
Legislative council	2,500.00
Council of state governments	2,500.00
	<hr/>
Total for legislative branch	\$330,000.00
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\* The sum herein appropriated or so much as may be necessary, shall be expended by the legislative budget assistant for the purpose specified. The legislative budget assistant shall designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of paragraph II, section 31, chapter 14 RSA, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

Amend the bill in the appropriation for department of health, in the paragraph, Maternal and Child Health and Crippled Children's Services, federal, by striking out said paragraph and inserting in place thereof the following:

Maternal and child health and	
crippled children's services: federal	
Personal services	\$25,490.04
Current expenses	39,300.00

Travel	2,253.00
Equipment	150.00
Other expenditures:	
Convalescent care and clinics	50,000.00
	<hr/>
*Total	\$117,193.04
*Less estimated revenue	117,193.04
	<hr/>
Net appropriation	0.00

Amend the bill in the appropriation for department of health, in the paragraph, Food and Chemistry: state, by striking out said paragraph and inserting in place thereof, the following:

Food and chemistry: state	
Personal services	\$55,596.80
Current expenses	3,720.00
Travel	12,200.00
	<hr/>
Total	71,516.80

Amend the bill in the appropriation for the department of health, in the paragraph, Sanitary Engineering: state, by striking out said paragraph and inserting in place thereof, the following:

Sanitary engineering: state	
Personal services	\$48,137.84
Current expenses	3,694.00
Travel	7,125.00
	<hr/>
Total	58,956.84

Amend the bill in the appropriation for the Department of Labor by striking out the entire appropriation and inserting in place thereof the following:

For department of labor:

Office of commissioner:	
Salary of commissioner	\$7,166.25
Salary of deputy commissioner	5,760.18
Other personal services	3,390.16
Current expenses	4,626.00
Travel	1,100.00
	<hr/>
Total	\$22,042.59

## Inspections division:

Personal services	\$32,291.82
Current expenses	1,990.00
Travel	7,500.00

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Total	41,781.82
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## Workmen's compensation division:

Personal services	\$24,101.56
Current expenses	2,701.50

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Total	26,803.06
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New Hampshire apprenticeship council	100.00
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Total for department of labor	<u>\$90,727.47</u>
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Note: In the labor department the positions of Clerk Stenographer II in the Inspections division and in the Workmen's Compensation division shall not be eliminated.

Amend the bill in the appropriation for Veterans Council by striking out and inserting in place thereof the following:

## For veterans council:

Personal services	\$10,568.62
Current expenses	828.00
Travel	2,900.00

## Other expenditures:

Veterans burials	4,500.00
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Total	\$18,796.62
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Amend the bill in the appropriation for Laconia state school in the paragraph, Custodial care, by striking out the words and figure, Personal services \$116,726.60 and inserting in place thereof, Personal services \$162,008.20; further amend said paragraph by striking out the word and figure, Total 341,991.60 and inserting in place thereof, Total 387,273.20; further amend said paragraph by adding at the end thereof the following footnote:

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Note: Of this appropriation the amount of 45,281.60 shall be expended only for the purpose of providing additional supervisory personnel.

Amend the bill in the appropriation for Board of Education, in the paragraph, Area Vocational Schools, state: by striking out said paragraph and inserting in place thereof the following:

Area vocational schools: state

Personal services	\$2,638.14
Current expenses	300.00
Travel	100.00
Other expenditures:	
Reimbursement to school districts	46,981.96

Total	50,020.10
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Amend the bill in the appropriation for Liquor Commission, in the paragraph, Beer administration, by striking out said paragraph and inserting in place thereof the following:

Beer administration:

One-half salary of three commissioners	\$12,111.63
Other personal services	78,219.07
Current expenses	9,940.00
Travel	24,500.00
Equipment	265.00
Other expenditures:	
Retirement	2,700.00
OASI	2,100.00

Total	129,835.70
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Further amend the appropriation for Liquor Commission, in the paragraph, Liquor Enforcement by striking out said paragraph and inserting in place thereof the following:

Liquor enforcement:

Personal services	\$26,042.02
Current expenses	140.00
Travel	6,500.00
Other expenditures:	
Retirement	485.00
OASI	385.00

Total	33,552.02
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Further amend the appropriation for Liquor Commission, in the paragraph, Stores Operation by striking out said paragraph and inserting in place thereof the following:

Stores operation:

Personal services	\$617,186.40
Current expenses	224,000.00
Travel	9,000.00
Equipment	10,415.00
Other expenditures:	
Retirement	17,403.66
OASI	13,886.69

Total	891,891.75
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DEAN B. MERRILL,  
ELMER ANDERSON,  
LUCIEN BERGERON,

*Conferees on the Part of the Senate.*

SHELBY O. WALKER,  
KENNETH BELL,  
JESSE ROWELL,  
MARION ATWOOD,  
WILLIAM CRAIG, JR.,

*Conferees on the Part of the House.*

On motion of Senator Merrill, the reading of the amendments was dispensed with.

Senator Merrill:

"Mr. President, the second bill is approximately the same as the first one. In the second bill, the Senate Finance Committee had added a line item relating to the Governor's Legal Counsel. This was acceptable to the House. As stated above, the amount for crippled children will be \$50,000 for the second year of the biennium. Industrial school — increased current expenses. Laconia State School — the same situation as in the first bill. They accepted the removal of the multigraph operator in the Education Department which the Senate had left out. Second year at Laconia State School — \$45,000 instead of \$43,000; we voted not to take care of that. I believe that covers the second bill."

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

The President stated:

"The Chair is sure that he expresses the feelings of all the Senators in expressing admiration and thanks to the members of the Conference Committee, particularly the Chairman of the Finance Committee, in wheeling these bills into shape in such a short time."

Senator Cleveland moved that the Senate recess for one full hour.

Senator Packard and Senator Rogers spoke in opposition to that motion.

(Discussion ensued)

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Twelve Senators having voted in the affirmative, and six Senators having voted in the negative, the affirmative prevailed, and the motion for recess carried.

The Chair declared the Senate would be in recess until 1:40 P. M.

(Recess)

The Senate re-assembled at 2:00 P. M.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds, having considered the same, reports the same with the following recommendation:

That the Senate recede from its position of non-concurrence, that the House recede from its position in the adoption of its amendment, and further recommends that the Senate and House concur in the adoption of the following amendment to said bill:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Forestry and Recreation Commission.* Amend RSA 219 by inserting after section 7 the following new section: 219:7-a. *Islands.* The following described islands in the following lakes or ponds are hereby placed within the jurisdiction of the forestry and recreation commission, as public reserva-



tions: (1) Loon island in Keysar Lake in the town of Sutton; (2) Small Island in Sand Pond in the town of Marlow; (3) Ingalls Island in Rocky Pond in the town of Canterbury; (4) North Island in Rocky Pond in the town of Gilmanton; (5) Three Islands in Ledge Pond in the town of Sunapee; (6) An island in Wheelwright Lake in the town of Lee; (7) An island located in Kingswood Lake (formerly Cook's Pond) in the town of Brookfield; and (8) Seven Islands in Pleasant Pond in the town of Danbury.

2. *Application.* Nothing contained herein shall confer authority on the Forestry and Recreation Commission to dispose of said islands by sale and provided further that nothing contained herein shall be construed to affect the title to any of the islands described in section 1.

3. *Takes Effect.* This act shall take effect sixty days after its passage.

E. J. BENNETT,  
J. C. CLEVELAND,

*Conferees on the Part of the Senate.*

BASIL BROADHURST,  
ROBERT S. MONAHAN,  
VICTOR E. PHELPS,

*Conferees on the Part of the House.*

On motion of Senator Bennett, the Senate voted to adopt the Committee of Conference on the above entitled bill.

Senator Packard desired to be recorded as having voted against the adoption of the Committee of Conference report on the above entitled bill.

### House Message

The House of Representatives has voted to withdraw its request for a Committee of Conference on the following entitled bill:

HB 262, An Act relative to use of fluorine in public water supplies.

Pursuant to the above, Senator Paquette withdrew his notice of reconsideration of the vote on the above entitled bill.

**House Message (continued)**

The House of Representatives has voted to non-concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 137, An Act exempting totally disabled persons from the payment of poll and head taxes.

**Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolutions:

HB 86, An Act relative to unemployment compensation of certain employees of the state and of political subdivisions and instrumentalities thereof.

HB 116, An Act relative to fishing, sale of bait, and hunting and fishing licenses for members of the armed forces and military personnel.

HB 327, An Act relative to a certain highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway.

HB 333, An Act relative to mileage allowance for members of the general court.

SB 51, An Act relative to the salaries of the judges of the probate courts.

SB 165, An Act relating to purchase of liability insurance under a fleet policy.

SB 207, An Act relative to the sale of the Berlin Armory.

HJR 33, Joint Resolution directing the Governor to conduct a survey to provide adequate planning for a mental health program.

HJR 42, Joint Resolution for the development of wayside picnic areas.

HB 249, An Act relative to the salary of Hillsborough county solicitor.

HB 339, An Act relative to the government of the city of Concord.

HB 388, An Act establishing the New Hampshire state Port Authority.

HB 409, An Act establishing a state council on the problems of the aging.

HB 450, An Act relative to use of balances of certain bond issues of the city of Portsmouth.

SB 95, An Act relative to change of classification of roads in Bethlehem.

SB 204, An Act relative to payment for claims for damages due to activities of the department of public works and highways.

HJR 62, Joint Resolution in favor of the estates of Harley A. Crandall and James J. Burke.

HJR 64, Joint Resolution providing for a portrait of Capt. Harl Pease, Jr. for the Pease Air Force Base.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

### **Announcement by the President**

The Chair announced that in accordance with the instructions of the Senate, the Chair is about to appoint a committee of five members to dig into the subject matter of HB 187, An Act to redistrict the state into senatorial districts. The Chair appoints as members of such committee, Senators Humphreys, Bennett, Rogers, Packard and Bergeron. The Chair stated that there were many considerations and he tried, to the very best of his ability, to appoint a good committee for this task.

### **Committee Reports**

On motion of Senator Bennett, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journals as follows:

SB 191, An Act relative to economic growth survey. Report of the Joint Committee on Resources, Recreation and Development and Finance (Senator Bennett): Ought to pass with amendment.

Amend said bill by striking out section 4 thereof.

Further amend said bill by renumbering section 5 to read section 4.

Senator Bennett:

"Mr. President, this bill was introduced by Senator DeLude. It was the unanimous thinking of the committee that the bill should be reported out as ought to pass with amend-

ment. The amendment simply strikes out the appropriation clause of the original bill due to the fact that my esteemed colleague, Senator DeLude, in her infinite wisdom, made sure of this appropriation in the budget. The legislative committee, three from the House and 2 from the Senate, proposed this group to study this economic growth survey trend with the Planning and Development Commission."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### Third Reading of Bill

The following entitled bill was read a third time, and passed:

SB 191, An Act relative to economic growth survey.

### Report of Committee of Conference

The Committee of Conference, to whom was referred SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank, having considered the same, report the same with the recommendation that the House of Representatives recede from its position in adopting its amendment to the bill, that the Senate recede from its position of non-concurrence and further recommend that the Senate and House concur in the adoption of the following amendment to the bill:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act to amend the charter of Siwooganock Guaranty Savings Bank, and relative to legal investments for savings banks.

Amend said bill by inserting after section 3 the following new sections:

4. *Investments of Savings Banks.* Amend paragraph II of RSA 387:6 by striking out the same and inserting in place thereof the following: II. *Local.* The authorized bonds and notes of this state, or of any of its municipalities and obligations of the New Hampshire water resources board.

5. *Banks.* Amend RSA 84:9 by adding after the word "state" in the twelfth line the words, or of the New Hampshire water resources board, so that said section as amended shall read as follows: 84:9. *Tax and Deductions.* Every such corporation, except building and loan associations, organized under the laws of this state, and credit unions organized under RSA chapter 394, shall pay to the state tax commission annually, on October first, an excise tax for the privilege of conducting the business of a savings bank or other such corporation, equal in amount to twelve twenty-fourths of one per cent upon the amount of the savings deposits on which it pays interest, after deducting the value of all its real estate wherever situated and the value of all its loans secured by mortgage upon real estate situated in this state made at a rate not exceeding five per cent per annum; and the amount invested in bonds and notes of this state or any of the counties, municipalities, school districts, or village precincts of this state or of the New Hampshire Water Resources Board; provided, that such bonds and notes bear interest at a rate not exceeding five per cent per annum; and the amount invested in United States bonds, and in bonds, notes, or debentures the principal or interest of which is guaranteed by the United States, and in bonds issued under the provisions of the Federal Farm Loan Act, and the amount not exceeding five per cent of the deposits invested in acceptances of member banks of the federal reserve system of the kinds and maturities made eligible for rediscount or purchase by federal reserve banks, and the amount invested in the capital stock of national banks located in this state.

Further amend said bill by renumbering section 4 to read section 6.

ELMER ANDERSON,  
JAMES P. ROGERS,

*Conferees on the Part of the Senate.*

JOHN PILLSBURY,  
EMILE J. SOUCY,  
JOHN A. PERKINS,

*Conferees on the Part of the House.*

On motion of Senator Rogers, the reading of the amendment was dispensed with.

Senator Rogers:

"Mr. President, this is the bill on which the House tacked an amendment which, in effect, would put the faith and credit of the state in back of the bonds of the Water Resources Board. The original amendment, introduced in the House, provided only that the state would legalize these bonds as legal investments for savings banks and on the floor of the House, this amendment was introduced which provided, in effect, that the state would guarantee without limitation bonds issued by the Water Resources Board. This amendment offered returns to the original amendment offered in the House. It makes the bonds legal for investment by savings banks, but does not guarantee them."

On request of Senator Adams, the Clerk read the amendment.

Senator Adams:

"Mr. President, now, I would like to know from one of the Conferees, what they did on this Conference Committee."

Senator Rogers:

"Mr. President, as I understand it, the section relating to exemption on bank deposits remains exactly the same as it was accepted by the Banking Committee in the House. My understanding is that the only change in that section of RSA 84:9 is to add the words, of the New Hampshire Water Resources Board. Presently, savings banks, the payment of the excise tax for the privilege of conducting banks is taxable one and one-half percent of the amount of saving deposits on which it pays interest after deducting the value of certain investments, real estate, mortgages, and the words have been added, of the New Hampshire Water Resources Board. The first section adds RSA 387:6 exactly as they attempted to do in the Committee in the House; namely, to provide that the bonds of the Water Resources Board shall be legal investments."

On motion of Senator Rogers, the Senate voted to adopt the Committee of Conference report on the above entitled bill.

### **Committee Report**

On motion of Senator DeLude, the rules of the Senate were sofar suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

HB 436, An act relative to marriage of epileptic persons. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie). Ought to pass with amendment. . .

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Defective Persons.* Amend RSA 457:10:13:14:15 by striking out the words "epileptic of epileptics" wherever said words occur, so that said sections as amended shall read as follows: 457:10. *Marriage Prohibited.* No woman under the age of forty-five years, or man of any age, — except he marry a woman over the age of forty-five years, — either of whom is imbecile, feeble-minded, idiotic or insane, shall hereafter intermarry or marry any other person within this state unless permitted by the state department of health.

457:13. *Application to State Board of Health.* Should any question arise as to whether an applicant for such certificate is so disqualified, the contracting parties shall apply to the state board of health which shall thereupon appoint some qualified person or persons to determine whether the contracting parties are imbecile, feeble-minded, idiotic or insane, such determination to be certified under oath.

457:14. *Reports Required.* It shall be the duty of all superintendents of schools and of all who have charge of instruction in private schools or state schools annually in July to file with the state board of health the names of all imbeciles, feeble-minded, idiotic and insane persons who have left school or have become fourteen years of age during the preceding year. It shall be the duty of the superintendents of the Laconia state school and of the New Hampshire state hospital to file with the state board of health the names of all such persons discharged or paroled from these institutions. The names thus reported shall not be made public except so far as is necessary for the public welfare.

457:15. *Applications Referred to State Board.* It shall be the duty of the town clerk or other authorized officer when application is made for a certificate for the marriage of any person born subsequent to June 1, 1909, suspected as being imbecile, feeble-minded, idiotic or insane to cause the application to be forwarded for inspection to the state board of

health. The state board of health after investigation shall return the application to the town clerk or other authorized officer and if it finds that a certificate may not legally be granted it shall so notify the clerk and the applicants for the license.

2. *Defective Persons.* Amend RSA 457 by inserting after section 16 the following new subdivision:

### **Epileptics**

457:16-a. *Marriage Prohibited.* No woman or man of any age, either of whom is epileptic, shall hereafter intermarry or marry any other person within this state unless permitted by the state department of health. No clergyman or other officer authorized to solemnize marriages shall perform a marriage ceremony prohibited by this section. No town clerk or other authorized officer shall issue a certificate for such prohibited marriage.

457:16-b. *Application to State Board of Health.* Should any question arise as to whether an applicant for such certificate is so disqualified, the contracting parties shall apply to the state board of health which shall thereupon appoint some qualified person or persons to determine whether the contracting parties are epileptic, such determination to be certified under oath.

457:16-a. *Reports Required.* It shall be the duty of all superintendents of schools and of all who have charge of instruction in private schools or state schools annually in July to file with the state board of health the names of all epileptics who have left school or have become fourteen years of age during the preceding year. It shall be the duty of the superintendents of the Laconia state school and of the New Hampshire state hospital to file with the state board of health the names of all such persons discharged or paroled from those institutions. The names thus reported shall not be made public except so far as is necessary for the public welfare.

457:16-d. *Applications Referred to State Board.* It shall be the duty of the town clerk or other authorized officer when application is made for a certificate for the marriage of any person born subsequent to June 1, 1909, suspected as being epileptic to cause the application to be forwarded for in-



spection to the state board of health. The state board of health after investigation shall return the application to the town clerk or other authorized officer and if it finds that a certificate may not legally be granted it shall so notify the clerk and the applicants for the license.

457:16-a. *Penalty.* Any person who knowingly violates any of the provisions of this subdivision shall be fined not less than fifty nor more than five hundred dollars, or imprisoned not more than thirty days, or both.

3. *Takes Effect.* This act shall take effect upon its passage.

Senator DeLude:

"Mr. President, this is a House bill pertaining to the marriage of epileptic persons. I have asked the suspension of the rules to expedite matters. I do not think there will be any opposition to this bill."

On motion of Senator DeLude, the reading of the amendment was dispensed with.

Senator DeLude:

"Mr. President, as this bill came in to us, and I might add it came in at a very late date, it lifted all restrictions on marriage of epileptic persons. Now, permission of the State Board of Health must be obtained. Medically, we have made great progress in the treatment of epilepsy. They are fit to lead almost normal lives. 80%, to all intent and purposes, are normal. Upon checking, the 20% remaining, the Department of Health does deny marriage to these people at some time. As it was felt that these people if allowed to marry, might have children who were not normal and would become a state charge, the committee felt that all restrictions should not be lifted. In the statutes, they are included in the chapter that applies to idiots, mongoloids, etc., and they were not happy about that, so the amendment takes out the reference to epileptics in whatever chapters they do appear. They did set up a separate chapter pertaining to epileptic persons and still require them to get permission from the State Board of Health before they can marry. Those interested feel that between now and the next session, something may be worked out. The committee was not in favor of releasing all control over the epileptic persons."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On further motion of Senator DeLude, the rules of the Senate were so far suspended as to place the above entitled bill as amended on its third reading and final passage at the present time.

### Third Reading of House Bill

The following entitled bill was read a third time, and passed:

HB 436, An Act relative to marriage of epleptic persons.

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

The President recognized Senator Humphreys:

"Mr. President, sometime ago, we laid SB 141, An Act authorizing rehabilitation work in redevelopment projects, on the table, in order to enable our Senate Counsel to look into this. Subsequently, our Senate Counsel reported that the word 'compulsory' should not be in the bill according to federal legislation on the subject. An attempt was made to remove the bill from the table, but as not all of the Senators were here at the time, the motion did not prevail. It has been suggested that this bill was good legislation and would put our state laws in line with federal law. I therefore move that SB 141 be taken from the table and acted on at this time."

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Seven Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion did not prevail.

On the above motion, Senator Humphreys demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Bennett, Rogers, Cleveland, DeLude, Rhodes, English, Holmes, Rainie, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Anderson, Paquette, Packard, Caron, Provost, Bergeron, Karkavelas and Adams.

Ten Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion did not prevail.

The President recognized Senator English:

"Mr. President, earlier in this present session, I was asked to introduce this resolution. Now, in view of the late date, I will ask that this resolution be referred to the Legislative Council. It is to provide for the appointment of a sub-committee composed of two members of the House Appropriations Committee and two members of the Senate Finance Committee to work during the interim on plans to expedite the work on the budget for next session."

Senator Packard inquired if the resolution could be open for amendment.

The Chair replied in the affirmative, but stated that it was just a motion.

Senator Packard inquired of Senator English if he would amend his motion to say yearly session with a deadline of April 30th or May 31st.

Senator English replied that he was heartily in agreement with the suggestions of Senator Packard.

Senator Packard:

"Mr. President, if it is possible, or if you consider it feasible, I think further words might be added, and other matters leading to more expeditious session of the legislature, including annual sessions."

The Chair pointed out to Senators English and Packard that this is the very reason that there was a bill introduced in the House this session to do away with the Legislative Council. That they were digging into matters which they had no business doing.

Senator Cleveland:

"Mr. President, just a few remarks to set the record straight. There is absolutely nothing in the Constitution that would prevent an annual session. The general court could meet at the beginning of the year, and by agreement, they

could prorogue on April 1st or May 1st, subject to the call of the Governor at a set time. This talk of having a Constitutional Convention to accomplish that is misleading and not true."

Senator Adams:

"I ascribe to the views expressed by Senator Cleveland. If the legislature at its first meeting appropriated money for the first year of the biennium only, I am sure the Governor would call them in session for a second time. This business of staying here until August 1st or September 1st is nonsense, in my opinion."

On a *viva voce* vote, the motion relative to the above resolution as amended was adopted.

On a motion of Senator Holmes, the rules of the Senate were so far suspended as to place the following entitled bills on their third reading and final passage at the present time.

### **Third Reading of Bills**

The following entitled bills were read a third time, and passed:

HB 133, An act to provide for the registration of private nursery schools.

HB 444, An act relative to a study of procedures for making up checklists.

### **House Message**

The House of Representatives has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bill:

SB 209, An act relating to deputy clerks of court and sheriffs' services.

The Speaker has appointed as members of such Committee on the part of the House, Mrs. Frizzell of Charlestown; Davis of Conway; and St. Pierre of Rochester.

### **House Message**

The House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 147, An act relative to the employment of children.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Limitations.* Amend RSA 276:6 by striking out said section and inserting in place thereof the following: 276:6. *Hours.* Except as provided in chapter 275 RSA, no minor under the age of sixteen years, shall be employed, or permitted or suffered to work at any gainful occupation, more than fifty-four hours in any one week, nor more than ten and one-quarter hours in any one day; nor before the hour of half-past six o'clock in the morning, nor after the hour of seven o'clock in the evening, provided that during the summer school vacation period such minor may be employed until nine o'clock in the evening but in such case said minor shall not work more than eight hours in any twenty-four hour period nor more than forty-eight hours in any one week. Further provided that the limitations on the hours of labor as heretofore provided in this section shall not apply in the following cases: (1) boys twelve years old or over may deliver newspapers after five o'clock in the morning or between four and eight o'clock in the evening, (2) a boy twelve years old or over may act as caddy at golf links, and (3) a boy twelve years old or over may be employed for work on church grounds and at religious meetings, in the employ of the religious organization.

On motion of Senator O'Brien, the Senate voted to concur in the adoption of the amendment sent up from the House of Representatives.

### **Committee Report**

On motion of Senator Rogers, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

HB 260, An Act relative to commercial pension funds and trustee welfare funds. Report of the Committee on Banks and Insurance (Senator Rogers): With the recommendation that the bill be referred to the Legislative Council.

The President recognized Senator Rogers:

"Mr. President, the committee, after hearing all the arguments and reading all the correspondence and reading all

the amendments, has decided that there is not sufficient time to resolve this complex matter without delaying the session. This bill provides for every welfare funds on which payment or benefit may be reduced by reason of various expenses, must report in some detail to the insurance commissioner. It also provides that the commissioner may, at his discretion, examine any or all of these funds, and thereby require additional personnel for this service. Similar legislation is under consideration in Congress and in many other states. It would seem desirable to wait upon the action of this session of Congress in order that our own statutes will conform. There is no evidence of need for legislation of this type at the present time in New Hampshire. The only funds presently in operation in New Hampshire are financed and controlled either by the employer conclusively or jointly by the employer and the union. There is no occasion or likelihood of mismanagement, particularly in the case of those funds handled by trust officers or banks or by insurance companies. These funds are already subject to supervision. Therefore, the committee recommends that the bill be referred to the Legislative Council for further study."

On a *viva voce* vote, the recommendation of the Committee on Banks and Insurance was adopted.

### Committee Report

On motion of Senator Rainie, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

HB 269, An Act relative to motor vehicle road tolls and to maintenance allotment by state for class IV and V highways. Report of a Majority of the Committee on Ways and Means (Senator Packard: Ought to pass with amendments. (Three.)

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Vehicle Road Tolls.* Amend RSA 265 by inserting after section 5 the following new section: 265:5-a. *Additional Toll.* In addition to the motor vehicle road tolls now imposed pursuant to the provisions of section 4 hereof and the supplemental road toll now imposed pursuant to the provisions of section 5 hereof an additional road toll of one cent

per gallon is hereby imposed, for a period of forty-eight months beginning September 1, 1957, for the purposes of this chapter. During the said period of forty-eight months the motor vehicle road tolls of this state shall total six cents per gallon.

Amend said bill by inserting after section 2 the following new section:

3. *Town Road Aid.* Amend subsection (a) of RSA 241:2 (supp) as amended by 1955, 333:3 by striking out the words "nine hundred thousand dollars" and inserting in place thereof the words, one million, one hundred thousand dollars, so that said subsection as amended shall read as follows:

(a) *Apportionment A.* The commissioner shall apportion, on the basis of a sum of not less than one million one hundred thousand dollars, to each city, town and unincorporated place, an amount based on the proportion which the mileage of the regularly maintained Class IV and Class V highways in that city, town or unincorporated place as of January 1 of the previous year, bears to the total mileage of the regularly maintained Class IV and Class V highways in the state as of that date. Any city or town issuing bonds or long term notes to accelerate the improvement of its Class IV and Class V highways may apply any part of the funds herein apportioned, for a period not to exceed five years or with the approval of the commissioner for a period not to exceed ten years, to aid in the retirement of such bonds or notes:

4. *Reconstruction of Route 101.* The public works and highways department is directed to give primary consideration to the reconstruction of Route 101.

Further amend said bill by renumbering section 3 to read section 5.

NORMAN A. PACKARD,  
*For a Majority of the Committee.*

HB 269, An Act relative to motor vehicle road tolls and to maintenance allotment by state for class IV and V highways. Report of a Minority of the Committee on Ways and Means (Senators Rainie, Rogers and DeLude) : Ought to pass with amendment. (Two).

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Vehicle Road Tolls.* Amend RSA 265 by inserting after section 5 the following new section: 265:5-a. *Additional Toll.* In addition to the motor vehicle road tolls now imposed pursuant to the provisions of section 4 hereof and the supplemental road toll now imposed pursuant to the provisions of section 5 hereof an additional road toll of one cent per gallon is hereby imposed, for a period of forty-eight months beginning September 1, 1957, for the purposes of this chapter. During the said period of forty-eight months the motor vehicle road tolls of this state shall total six cents per gallon.

3. *Town Road Aid.* Amend subsection (a) of RSA 241:2 (supp) as amended by 1955, 333:3 by striking out the words "nine hundred thousand dollars" and inserting in place thereof the words, one million, one hundred thousand dollars, so that said subsection as amended shall read as follows: (a) *Apportionment A.* The commissioner shall apportion, on the basis of a sum of not less than one million one hundred thousand dollars, to each city, town and unincorporated places, an amount based on the proportion which the mileage of the regularly maintained Class IV and Class V highways in that city, town or unincorporated place as of January 1 of the previous year, bears to the total mileage of the regularly maintained Class IV and Class V highways in the state as of that date. Any city or town issuing bonds or long term notes to accelerate the improvement of its Class IV and Class V highways may apply any part of the funds herein apportioned, for a period not to exceed five years or with the approval of the commissioner for a period not to exceed ten years, to aid in the retirement of such bonds or notes:

Further amend said bill by renumbering section 3 to read section 4.

HERBERT W. RAINIE,  
JAMES P. ROGERS,  
MARGARET B. DELUDE,  
*Minority of the Committee.*

Senator Packard moved that further consideration of the above entitled bill with the two accompanying committee reports be indefinitely postponed, and spoke in favor of the motion.



Senator Bergeron and Senator Lamontagne spoke in support of the motion.

Senator Rainie spoke against the motion.

(Discussion ensued)

Senator Paquette demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Paquette, Packard, Caron, Prevost, Daniel, Bergeron and Humphreys.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Karkavelas, Adams and Merrill.

Seven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the negative prevailed, and the motion did not carry.

Senator Rogers requested the Clerk to read again the section pertaining to Route 101, which the Clerk proceeded to do.

Senator Rogers moved that the report of the Minority be substituted for the report of the Majority, and spoke in favor of the motion.

Senator Adams spoke in opposition to the motion to substitute.

Senator Cleveland spoke in support of the motion of Senator Rogers.

Senator Daniel spoke in opposition to the motion to substitute.

Senator DeLude spoke in support of the motion of Senator Rogers.

Senator Rhodes spoke in support of the motion to substitute.

Senator Rainie spoke in favor of the motion to substitute.

Senator Packard spoke against the motion to substitute.

Senator Bergeron spoke against the motion.

Senator Karkavelas moved the previous question, seconded by Senator Adams.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the adoption on the motion to substitute offered by Senator Rogers, on which Senator Rogers demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie and Merrill.

The following named Senators voted in the negative: Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

Fourteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the motion prevailed.

Question now being on the adoption of the amendment offered by the Minority of the Committee on Ways and Means.

Senator Rogers spoke in support of the amendment.

On a *viva voce* vote, the amendment offered by the Minority of the Committee on Ways and Means was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Rainie moved that the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

On the above motion, Senator Bergeron requested a division.

Senator Packard demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Karkavelas, Adams and Merrill.

The following named Senators voted in the negative: Paquette, Packard, Caron, Provost, Daniel, Bergeron and Humphreys.

Sixteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the bill was ordered to a third reading at the present time.

### Third Reading of Bill

The following entitled bill was read a third time, and passed:

HB 269, An act relative to motor vehicle road tolls and to maintenance allotment by state for class IV and V highways.

Senator Rainie withdrew his motion.

Senator Cleveland moved that the Senate reconsider its vote whereby it passed the above entitled bill.

On a *viva voce* vote, the negative prevailed, and the motion to reconsider was lost.

### Introduction of Guests

The President welcomed to the floor of the Senate, as the guests of Senator Humphreys, Mrs. Harry Foote, the wife of former Senator Foote; Mrs. Gertrude Knott, and Mrs. Gwendolene Sanderson, all of Portsmouth.

### Report of Committee of Conference

The Committee of Conference on House Bill No. 291, entitled "An Act providing for salaries for classified state employees and salaries of unclassified state officials, having considered the same, reported the same with the recommendation that the House of Representatives recede from its position of non-concurrence and concur in the adoption of the following amendments to the bill as proposed by the Senate:

The amendment to section 1 of said bill.

The amendment to section 3 of said bill.

The amendment to section 4 of said bill with the exception hereinafter provided.

The amendment to section 7 of said bill.

The amendment to section 9 of said bill.

The amendment to section 14 of said bill.

The amendment to said bill in the additions of sections 15, 16, 17 to the bill and the renumbering of section 15 of said bill to read section 18.

The Committee of Conference further recommends that the House recede from its position of non-concurrence and the Senate recede from its position in adopting amendments to the following provisions of said bill and that the Senate and House concur in the adoption of the following amendments to said bill:

a. Amend section 4 of said bill in the salary for the chairman, water resources board by striking out the figures "\$7,670 - 8,840" and inserting in place thereof the figures, \$8,268 - \$9,516.

b. Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Appropriation.* There is hereby appropriated for the fiscal year ending June 30, 1958, for salary increases provided for in section 4 the following sums: \$162,947 from the general funds of the state, \$10,146 from highway funds, \$2,717 from fish and game funds and \$2,831 from federal funds. Like amounts are hereby appropriated for the fiscal year ending June 30, 1959.

c. Further amend said bill by striking out section 8 and inserting in place thereof the following:

8. *Engineering Positions.* Notwithstanding the provisions of section 1, engineering positions as may be approved by the governor and council shall have added to the respective salary ranges the following additional percentage increases:

Salary grades 11 to 14	20 per cent
Salary grades 15 to 18	15 per cent
Salary grades 19 to 24	10 per cent
Salary grades 25 to 30	5 per cent

The additional salary adjustment provided for in this section shall be a charge on the appropriation provided in section 3.

LUCIEN BERGERON,  
JAMES C. CLEVELAND,

*Conferees on the Part of the Senate.*

ADA TAYLOR,  
GEORGE W. SMITH,  
FORREST B. COLE,

*Conferees on the Part of the House.*

Senator Cleveland moved that the Senate adopt the report of the Committee of Conference and spoke in favor of the motion as follows:

"Mr. President, speaking on behalf of Senator Bergeron and myself, I would state the following in support of this Committee of Conference report. All of the many and im-

portant amendments made by the Senate remain intact with two minor exceptions. First, special increase to engineers in certain departments. The Committee of Conference has settled that problem by granting the engineers, subject to the approval of the Governor and Council. The Governor and Council are the ones who got that whole controversy started when they gave it to all of them last time. Second, item is in the case of the increase in the salary of the Chairman of the Water Resources Board. Senator Bergeron and I went along with this item because it seemed foolish to argue further for the matter of \$600 and thus delay the session. The Chairman of the Water Resources Board was stepped up one grade, which was less than the House originally had. We have done the best that we could."

Senator Adams:

"Mr. President, what Senator Cleveland has said may be true, but I would move that the matter of the report of the Committee of Conference be made a Special Order of Business for tomorrow morning at 11:01 and that the report of the Committee of Conference be printed in the Journal tonight. I believe this is very important and should be thoroughly studied."

Question being on the motion of Senator Adams.

On this question, Senator Adams requested a Division vote.

Seven Senators having voted in the affirmative, and eleven Senators having voted in the negative, the negative prevailed, and the motion for Special Order was lost.

Question now being on the motion of Senator Cleveland that the Senate adopt the report of the Committee of Conference on the above entitled bill.

On a *viva voce* vote, the affirmative prevailed, and the report of the Committee of Conference was adopted.

On motion of Senator Cleveland, the Senate refused to reconsider its vote whereby it adopted the Report of the Committee of Conference on the above entitled bill.

On motion of Senator Caron, the Senate went into afternoon session.

#### Afternoon Session

On motion of Senator Bennett, the Senate adjourned at 5:02 P. M. to meet tomorrow morning at 11:00 o'clock.

WEDNESDAY, JULY 31, 1957

The Senate met at 11:00 o'clock.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator English, Mr. Ernest L. Adams, selectman of the town of Hancock.

As the guest of Senator Caron, Mr. David J. Hancock, student of government from Oxford University in England.

### **Communication**

Representative Joseph J. Comi, of Ward 9, Concord, desires the Chair to express his appreciation to the Finance Committee of the Senate and the Senate for passage of that particular portion of the general budget bills which provides for the forty-hour week for state employees.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 449, An Act relative to agreements between towns in connection with federal or interstate flood control projects.

HB 451, An Act relating to the salaries of the board of supervisors of the city of Laconia and to the issuance of bonds in said city.

### **Introduction, First and Second Reading of House Bill**

HB 449 to the Joint Committee of Judiciary and Finance.

On motion of Senator Rogers, the rules of the Senate were so far suspended as to dispense with referral to committee and public hearing, on the following entitled bill:

HB 451, An Act relating to the salaries of the board of supervisors of the city of Laconia and to the issuance of bonds in said city.

Senator Rogers:

"Mr. President, this bill does two things. In the first section, it amended the city charter to remove a specified

amount of compensation for supervisors of the checklist. The charter, I believe, prescribed a certain amount and the city council in its city ordinance has granted a larger amount. This simply removes the restriction and permits the city council to fix these salaries. In the second section, it removes a clause in a bill previously passed at this session; to provide a public hearing on issuance of bonds to be used in capital improvements. It is a minor matter and one that would have only caused annoyance to be considered."

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 451, An Act relating to the salaries of the board of supervisors of the city of Laconia and to the issuance of bonds in said city.

### **House Message (continued)**

The House has voted to adopt the report of the Committee of Conference on the following entitled bill, sent down from the Honorable Senate:

SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank.

The House has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires.

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 436, An Act relative to marriage of epileptic persons.

HB 406, An Act to establish the New Hampshire Distributing Agency.

HB 359, An Act defining agricultural farming and farm under the motor vehicle laws.

The House has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 291, An Act providing for salaries for classified state employees.

The Committee of Conference on House Bill No. 291, entitled "An Act providing for salaries for classified state employees and salaries of unclassified state officials, having considered the same, reported the same with the recommendation that the House of Representatives recede from its position of non-concurrence and concur in the adoption of the following amendments to the bill as proposed by the Senate:

The amendment to section 1 of said bill.

The amendment to section 3 of said bill.

The amendment to section 4 of said bill with the exception hereinafter provided.

The amendment to section 7 of said bill.

The amendment to section 9 of said bill.

The amendment to section 14 of said bill.

The amendment to said bill in the additions of sections 15, 16, 17 to the bill and the renumbering of section 15 of said bill to read section 18.

The Committee of Conference further recommends that the House recede from its position of non-concurrence and the Senate recede from its position in adopting amendments to the following provisions of said bill and that the Senate and House concur in the adoption of the following amendments to said bill:

a. Amend section 4 of said bill in the salary for the chairman, water resources board by striking out the figures "\$7,670 - 8,840" and inserting in place thereof the figures, \$8,268 - \$9,516.

b. Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Appropriation.* There is hereby appropriated for the fiscal year ending June 30, 1958, for salary increases provided for in section 4 the following sums: \$162,947 from the general funds of the state, \$10,146 from highway funds, \$2,717 from fish and game funds and \$2,831 from federal



funds. Like amounts are hereby appropriated for the fiscal year ending June 30, 1959.

c. Further amend said bill by striking out section 8 and inserting in place thereof the following:

8. *Engineering Positions.* Notwithstanding the provisions of section 1, engineering positions as may be approved by the governor and council shall have added to the respective salary ranges the following additional percentage increases:

Salary grades 11 to 14	20 per cent
Salary grades 15 to 18	15 per cent
Salary grades 19 to 24	10 per cent
Salary grades 25 to 30	5 per cent

The additional salary adjustment provided for in this section shall be a charge on the appropriations provided in section 3.

LUCIEN BERGERON,  
J. C. CLEVELAND,

*Conferees on the Part of the Senate.*

ADA TAYLOR,  
GEORGE W. SMITH,  
FORREST B. COLE,

*Conferees on the Part of the House.*

The House has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 140, An Act establishing the Berlin Airport Authority.

SB 162, An Act relating to the salaries of deputy registers of probate.

SB 163, An Act relating to the salaries of registers of probate.

The House has voted to adopt the report of the Committee of Conference on the following entitled bill, sent down from the Honorable Senate:

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 159, An Act creating an interim commission for the purpose of redistricting ward lines, allocating ward polling places and recommending lines for an additional ward for the city of Manchester.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act creating an interim commission for the purpose of redistricting ward lines, allocating ward polling places and recommending the lines for an additional ward for the city of Manchester.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Commission Appointed.* An interim commission consisting of eleven residents of the city of Manchester shall be appointed for the purpose of redistricting the ward lines, allocating polling places and, if necessary, recommending an additional ward for the city of Manchester. Of said commission of eleven members no more than three shall be members of the board of aldermen and, unless they decline the appointment, one member shall be the city clerk and two shall be members of the Senate. The Chairman of the Manchester City Delegation of the House of Representatives shall be a member of this commission and shall appoint the remaining members of the commission. The commission shall select a chairman from among their members and shall serve without compensation but shall be reimbursed for their necessary expenses when engaged in the business of the commission, provided, however, that the commission may compensate its clerk, who may be a member of the commission for his services.

2. *Duties.* The duties of the commission shall be to redistrict the ward lines and allocate the polling places in the city of Manchester in a fair and equitable manner and, if necessary, recommend additional ward or wards.

3. *Appropriation.* There shall be appropriated from the general funds of the city of Manchester the sum of twenty-five hundred dollars (\$2,500) or so much thereof as may be necessary for technical assistance and the actual expenses of the commission which shall be spent under the authority of the full commission.

4. *Filing Recommendations.* On or before January 8, 1959, the commission shall file its recommendations with the Manchester Delegation in the 1959 legislature for their first order of consideration.

5. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Packard, reading of the amendments was dispensed with.

On further motion of Senator Packard, the Senate voted to non-concur in the adoption of the amendments sent up from the House of Representatives and request that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Packard and Provost.

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 203, An Act relative to appeals from assessment of damages for highway layouts and special provisions for appeal in cases of Frederick C. and Avis G. Pearson and Festus S. and Valeda Thornton.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to appeals from assessment of damages for highway layouts and special provisions for appeal in cases of Frederick C. and Avis G. Pearson and Festus S. and Valeda Thornton.

Amend said bill by striking out the so-called whereas clauses. Also amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Highway Lay Outs.* Amend RSA 233:17 by striking out said section and inserting in place thereof the following:

233:17. *Appeal of Assessment.* Any owner of land or other property who has not accepted payment of the sum tendered and who is aggrieved by the decision of the commission in the assessment of damages may appeal therefrom to the superior

court for the county in which such land or other property is situate by petition within sixty days after the certificate of tender has been filed with the secretary of state, and not thereafter, unless for good cause shown the superior court may grant the owner an additional sixty days within which to appeal, but in no event shall the time for appeal be more than one hundred and twenty days after the certificate of tender has been filed with the secretary of state and the court shall assess the damages by jury, or by the court without the jury, and award costs to the prevailing party.

2. *Payment of Damages.* Amend RSA 233 by inserting after section 12 the following new section: 12-a. — *to Mortgagees.* Whenever any property is subject to a mortgage, the amount of damages tendered to the owner by check of the state treasurer or of the state department of public works and highways shall be made payable jointly to the owner and the mortgagee, and such tender shall be deemed to be a tender to the mortgagee. Notice by certified mail of the amount tendered to the owner shall be sent to the mortgagee at the time of tender and the mortgagee shall be entitled to the same appeal provisions as the owner.

3. *Late Appeal Authorized.* Notwithstanding any provisions of RSA 233:17 Frederick C. Pearson, Jr. and Avis G. Pearson are hereby granted thirty days from the effective date of this act in which to file a late appeal from the assessment of damages for the taking of certain real estate on Dover Point, in Dover, county of Strafford, in relation to the construction of the toll road between General Sullivan Bridge and the City of Dover.

4. *Time Extended.* Notwithstanding any provisions of RSA 233:17 Festus S. Thornton and Valeda Thornton are hereby granted thirty days from the effective date of this act in which to file a late appeal from the assessment of damages for the taking of certain real estate situated in Merrimack (Reed's Ferry), county of Hillsborough, in relation to the construction of the Central New Hampshire Turnpike.

5. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Rogers, the reading of the amendments was dispensed with.

Senator Rogers:

"Mr. President, it is likely that Senator English is more familiar with this original bill than I am. But, I understand that the House has added an amendment relative to land damage awards which would extend 60 days beyond the 60 days allowed presently, in order to file a claim. This bill not only covers these two special items, but provides it must be approved by the superior court."

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

Senator Rainie:

"Mr. President, my understanding is that this extends, with the permission of the superior court, all awards. This is a good bill for lawyers, but I just want to express my opposition to the bill. It is surely going to slow up these damage awards. It will lengthen the time by 60 days. It is not going to make any great difference, but I wish to be recorded against it."

On motion of Senator Karkavelas, the Senate voted to concur in the adoption of the amendments sent up from the House.

Senator Rainie recorded as voting No.

### Notice

The Chair said:

"The Chair has been served notice by Senator Bennett at this time that at some future date he may wish to ask for reconsideration of the vote whereby the Senate referred HB 260, An Act relative to commercial pension funds and trustee welfare funds, to the Legislative Council."

### Order Vacated

Senator Cleveland moved that the order whereby HB 449 was referred to the Joint Committee of Judiciary and Finance be vacated and spoke in favor of the motion.

“Mr. President, the House has added again and sent to us for careful and deep consideration, a bill relative to agreements between towns in connection with federal or interstate flood control projects, several pages in length with amendments. This came in this morning. Now, I have had an opportunity to look this bill over and to talk with the sponsors of the bill and have talked with interested parties. I think I can explain this bill to the satisfaction of the Senate. What this bill does — this bill is permissive legislation. It permits any town or towns to enter into a compact. This bill is to help some of the towns meet the problem of the new flood control dam. It will help those towns who have large areas suffered by the building of the Hopkinton-Henniker dam. This is an example: two towns might want to get together and in view of the fact that the building of the dam will do away with a road, they may get together to build a new road to replace same. Perhaps, as in Hill, they may wish to move the town center to a new location. In this contract, approved by the Attorney General, this bill allows those towns to issue a bond and the state will guarantee it. In the House, there was a limitation — not to exceed 5 million dollars. This was opposed by the administration departments concerned. This amendment lowers the figure to \$500,000. This is favored by the tax commissioner. Any one of these contracts have to be approved by the voters of the town at a town meeting. I offer the following information received from the tax commissioner and would urge the Senate to vote for this motion.”

This commission wishes to be placed on record as in favor of the enactment of HB 449, “An Act relative to agreements between towns in connection with federal or interstate flood control projects.”

We feel that such a law would permit local communities, when necessary, to act collectively for the benefit of all, and that by so doing a way will be opened to keep tax costs at as low a point as possible in instances where added burdens may be placed on towns or cities as a result of flood control projects. The law proposed seems to us to accomplish this and at the same time is so phrased that it would prevent undue or hasty action on the part of any community or group of communities. In addition, we feel that the guaranty by the state of indebted-

ness issued to accomplish such cooperative efforts would not affect the state's credit in an adverse manner.

Very truly yours,

/s/ L. B. CHANDLER,  
*Secretary.*

On a *viva voce* vote, the motion to vacate was adopted.

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 449, An Act relative to agreements between towns in connection with federal or interstate flood control projects.

### **House Message**

The House of Representatives has voted to reconsider the vote whereby it voted to concur with the Honorable Senate in its amendments to the following entitled bill, and asks for the appointment of a Committee of Conference:

HB 86, An Act relative to unemployment compensation for certain employees of the state and of political subdivisions and instrumentalities thereof.

The Speaker has appointed as members of such committee on the part of the House, Messrs. McMeekin of Haverhill, Angus of Claremont and King of Manchester.

On motion of Senator Adams, the Senate voted to accede to the request of the House for the appointment of a Committee of Conference on the above entitled bill.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Adams and Caron.

### **Committee Reports**

HB 49, An Act relating to committals to Laconia State School. Report of the Committee on Public Health, Welfare and State Institutions (Senator Rainie): Ought to pass with amendment.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relating to committals to Laconia State School and to the state dental board.

Amend said bill by striking out sections 3 and 4.

Amend said bill by inserting after section 2 the following new sections:

3. *State Dental Board.* Amend RSA 317 by inserting after section 1 the following new section: 317-a. *Expiration of Term of Office.* Appointment of members of the state dental board shall be for terms which expire as of July 15 of the respective year.

4. *Present Members of Board.* The term of office of the member of the state dental board which otherwise would expire as of March 14, 1958, is hereby extended to July 15, 1958; the term of office of the member which otherwise would expire as of March 14, 1959, is hereby extended to July 15, 1959 and the term of office of the member which otherwise would expire as of March 14, 1960 is hereby extended to July 15, 1960.

5. *Qualifications.* Amend RSA 317:2 by inserting at the end thereof the words, and shall be a member in good standing of the New Hampshire Dental Society, so that said section as amended shall read as follows: 317:2. *Eligibility.* Members of the board shall be actual residents of this state, shall have been for a period of five years legally engaged in the practice of dentistry in this state, shall be graduates from some reputable dental college and not in any way connected with, or interested in, any dental college or dental department or any institution of learning, and shall be a member in good standing of the New Hampshire Dental Society.

6. *State Board of Health.* The term of office of the additional member of the state board of health, as provided by 1957, 208, shall extend from the date of his appointment thereunder until January 30, 1964.

Further amend said bill by renumbering section 5 to read section 7.

On motion of Senator DeLude, the reading of the amendment was dispensed with.



Senator DeLude:

“Mr. President, the purpose of this bill was to clarify the language pertaining to defective delinquents. The original bill clarified the type of individuals that we are trying to deal with in legal terminology. We have struck out sections 3 and 4 because the Senate and House has already passed a bill which, in my opinion, was far better, relative to transferral of inmates to other institutions. The amendment which the committee has put on is a technical thing. It simply changes the date of appointment to the state dental board. At the present time, these appointments expire in March. It seems that the board is very busy at that time and that date was not advisable. This provides that the term of office shall expire in June rather than in March. Of course, the title is amended.”

The amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On further motion of Senator DeLude, the rules of the Senate were so far suspended as to place the bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 49, An Act relating to committals to Laconia State School and to the state dental board.

### **Committee Reports (continued)**

HB 236, An Act relative to motor vehicle liability insurance and requirements as to financial responsibility. Report of a Majority of the Committee on Banks and Insurance (Senators Merrill, Bergeron and Anderson): Ought to pass with amendment.

Amend section 1 of said bill by striking out the words “where injury to person or damage to property results therefrom”, wherever it occurs therein so that said section as amended shall read as follows:

1. *Motor Vehicle Law Violations.* Amend RSA 268:3 by striking out said section and inserting in place thereof the following: 268:3. *Proof Required Upon Conviction.* Upon

receipt of an abstract of the record in case of conviction of any person for (1) driving a motor vehicle, trailer, or semi-trailer while under the influence of intoxicating liquor or narcotic drugs, (2) failing to stop and report when involved in an accident, (3) homicide or assault arising out of the operation of a motor vehicle, trailer, or semi-trailer, (4) the second time for driving a motor vehicle, trailer, or semi-trailer at an excessive rate of speed, (5) the second time driving a motor vehicle, trailer or semi-trailer in a reckless manner and a violation of such other of the provisions of any state law relative to motor vehicles as the commissioner shall determine, the commissioner shall forthwith suspend the license of the person so convicted and the registration certificates of any motor vehicle, trailer, or semi-trailer registered in the name of such person and require the surrender of the registration plates of any such vehicle, unless and until such person gives and thereafter maintains proof of his financial responsibility in the future. The commissioner may take action as required in this section upon receiving proper evidence of any such conviction of any person in another state.

Amend section 6 of said bill by striking out the last sentence thereof and inserting in place thereof the following: nothing contained in paragraph 8 hereof shall be so construed as to deprive an insured person in litigating his claim against an uninsured person from a right of trial by jury. If the form of policy authorized by paragraph 8 hereof does not contain an arbitration clause approved by the insurance commissioner, the insured may have the liability of the insurer determined by a trial of the issues by the Superior Court Justice, so that said section as amended shall read as follows:

6. *Exceptions.* Amend RSA 268:8 (supp) as amended by 1955, 164:1 by striking out the subparagraph (d) so that said section as amended shall read as follows: 268:8. *Limitation of Operation.* The provisions of section 5 shall not apply: (a) to the owner of a motor vehicle, trailer, or semi-trailer operated by one having obtained possession or control thereof without his express or implied consent; (b) to either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident when the commissioner shall be satisfied that neither caused nor contributed to cause the accident, except that any such determination of satisfac-

tion shall be reversed by the commissioner should any court subsequently render judgment based upon said accident against said operator or owner or both, in which event the commissioner shall forthwith suspend the license and registration certificate in accordance with the provisions of section 5: (c) to either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident that was caused by the criminal act of a third party, for which criminal act such other party has been convicted. Nothing contained in paragraph 8 hereof shall be so construed as to deprive an insured person in litigating his claim against an uninsured person from a right of trial by jury. If the form of policy authorized by paragraph 8 hereof does not contain an arbitration clause approved by the insurance commissioner, the insured may have the liability of the insurer determined by a trial of the issues by the Superior Court Justice.

Amend section 8 of said bill by striking out the same and inserting in place thereof the following:

8. *Form of Motor Vehicle Policy.* Amend RSA 268:15, by striking out said section and inserting in place thereof the following new section: RSA 268:15. *Policy, Form.* No motor vehicle liability policy, as defined in section 1, shall be issued or delivered in the state, until a copy of the form of the policy has been on file with the insurance commissioner for at least thirty days, unless during said period the insurance commissioner shall have approved in writing the form of the policy nor shall such policy be issued if the insurance commissioner notifies the insurance company in writing that, in his opinion, the form of the policy does not comply with the laws of the state. Notification of his approval or disapproval shall be given in writing within said period. No such policy shall be issued or delivered in this state with respect to a motor vehicle, trailer or semi-trailer registered in this state unless coverage is provided therein or supplemental thereto in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, under provisions approved by the insurance commissioner, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles, trailers, or semi-trailers and hit-and-run motor vehicles, trailers or semi-trailers because of bodily injury, sick-

ness or disease, including death resulting therefrom. The insurance commissioner shall approve a form of policy which contains the name and address of the insured, a description of the motor vehicles and trailers or semi-trailers covered, with the premium charges therefor, the policy period, the limits of liability as between the insured and the insurance company, and an agreement that insurance is provided in accordance with and subject to the provisions of this chapter. The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

Amend section 9 of said bill by striking out the same and inserting in place thereof the following:

9. *Required Provisions.* Amend the first paragraph of RSA 268:16 by inserting after the word "policy" in the first line the words, except as to coverage providing protection against uninsured motor vehicles, trailers and semi-trailers required by section 15 of this chapter, so that said paragraph as amended shall read as follows: A motor vehicle liability policy, except as to coverage providing protection against uninsured motor vehicles, trailers and semi-trailers required by section 15 of this chapter, shall be subject, with respect to accidents which occur in New Hampshire and within limits of liability required by this chapter, to the following provisions which need not be contained therein:

Amend section 12 of the bill by striking out the same and inserting in place thereof the following: 12. *Takes Effect.* Provisions of this act shall take effect as of September 1, 1957. The provisions of RSA 268:15 as hereinbefore amended shall apply to all motor vehicle liability policies which are written, rewritten or renewed on or after September 1, 1957.

Amend section 1 of said bill by striking out the words

“where injury to person or damage to property results therefrom” in lines 10 and 11, and lines 12 and 13, so that said section as amended shall read as follows:

1. *Motor Vehicle Law Violations.* Amend RSA 268:3 by striking out said section and inserting in place thereof the following: 268:3. *Proof Required Upon Conviction.* Upon receipt of an abstract of the record in case of conviction of any person for (1) driving a motor vehicle, trailer, or semi-trailer while under the influence of intoxicating liquor or narcotic drugs, (2) failing to stop and report when involved in an accident, (3) homicide or assault arising out of the operation of a motor vehicle, trailer, or semi-trailer, (4) the second time for driving a motor vehicle, trailer, or semi-trailer at an excessive rate of speed, (5) the second time for driving a motor vehicle, trailer, or semi-trailer in a reckless manner, and a violation of such other of the provisions of any state law relative to motor vehicles as the commissioner shall determine, the commissioner shall forthwith suspend the license of the person so convicted and the registration certificates of any motor vehicle, trailer, or semi-trailer registered in the name of such person and require the surrender of the registration plates of any such vehicle, unless and until such person gives and thereafter maintains proof of his financial responsibility in the future. The commissioner may take action as required in this section upon receiving proper evidence of any such conviction of any person in another state.

Amend section 6 of said bill by striking out the words “nothing contained in paragraph 8 hereof shall be so construed as to deprive an injured person of a right to trial by jury,” so that said section as amended shall read as follows:

6. *Exceptions.* Amend RSA 268:8 (supp) as amended by 1955, 164:1 by striking out the subparagraph (d) so that said section as amended shall read as follows: 268:8. *Limitation of Operation.* The provisions of section 5 shall not apply: (a) to the owner of a motor vehicle, trailer, or semi-trailer operated by one having obtained possession or control thereof without his express or implied consent: (b) to either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident when the commissioner shall be satisfied that neither caused nor contributed to cause the accident, except that any such determination of satisfac-

tion shall be reversed by the commissioner should any court subsequently render judgment based upon said accident against said operator or owner or both in which event the commissioner shall forthwith suspend the license and registration certificate in accordance with the provisions of section 5; (c) to either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident that was caused by the criminal act of a third party, for which criminal act such other party has been convicted.

Further amend said bill by striking out sections 8 and 9 and renumbering sections 10, 11 and 12, to read sections 8, 9, 10.

HB 236, An Act relative to motor vehicle liability insurance and requirements as to financial responsibility. Report of a Minority of the Committee on Banks and Insurance (Senators Rogers and Rainie): Ought to pass with amendment.

Senator Rogers moved that the report of the minority be substituted for the report of the majority.

On motion of Senator Rogers, the reading of the amendment was dispensed with.

Senator Rogers spoke in favor of the motion to substitute, as follows:

"Mr. President, in the first place, I would like to point out that the report of the minority was not previously printed in the Journal. I have no reason to suspect that this was done on purpose by anybody. Unfortunately, for this body, it was not a complete copy of the amendment, that was printed in the Journal. I do not intend to postpone or delay action on these amendments. I will explain what was omitted from the Journal, which relates to the recommendation of the report of the minority. There are substantial amendments on both reports. The amendments of the majority report are printed in full on Page 1168 through 1170 of the Journal. The amendments on the report of the minority are on Page 1170 and some is omitted. The principal difference between the amendments of the two reports relate to the so-called non-insurance endorsement. Under the report of the majority, they will become a part of the liability insurance policy issued in New Hampshire. The minority have reported this as ought to pass with amendment that the compulsory endorsement be stricken out. In

order to discuss this amendment, it is necessary, with the permission of the Chair and the Senate, to discuss the bill as a whole, otherwise, I will have to rise at a later date and explain the rest of it. The two reports are practically identical except that the majority of the committee are asking the state law to add this so-called uninsured motorist endorsement with the fee of \$3.00. Some statements have been made that it will cost nothing. The minority object to that provision of the bill as amended. The minority has actually found no support, in general, among the public. If you think back two or three months, you will recall that there was no support in the Senate and no support anywhere. It was not even supported by the administration in the first instance. Now, what does this \$3.00 endorsement do? There is no guarantee that it will not cost more than \$3.00. This \$3.00 endorsement will protect those who now buy insurance or who buy insurance in the future for personal injury and nothing against a so-called uninsured motorist; a hit and run driver whose identity cannot be determined; against anyone who has no insurance, so that you who buy insurance will be paying for protection only as to death and personal injury. No property damage. You will get no protection against property damage for this \$3.00. You are being asked to pay something (it may be \$3.00 or it may be \$10.00) you are asked to pay for this endorsement whether you like it or not, to protect you against uninsured motorists, irresponsible people, hit and run drivers, etc. How many are there? According to the reports of the Motor Vehicle Department, at the present time, the average over the past few years, including 1956, about 14% of all motorists are not presently insured against liability. 86% are insured. The 86% will then have to buy a policy to protect them against the 14% who are not. There are a lot of other provisions in this HB 236, which is called the New Hampshire plan and I will try to explain them to you very briefly. First, I wish to point out that while those other provisions, which are supposed to strengthen the liability law, are a step in the right direction, they are a step in the penalties for those that are not insured. They are a step in the way of taking away the matter of penalty for those in violation of the law. They tend to make the problem very serious for those not insured and become involved. But, as to whether they are reducing the

number of uninsured drivers or not, nobody knows. They may increase to 90%; according to the records, the figure was 87.5% in 1953. Maybe under this new law, they may increase. In fact, a person under the new law, which is supposed to be more rigid, can be convicted twice for traveling at an excessive rate of speed, traveling to endanger life, he can be convicted twice before being required to show proof of financial responsibility. I simply say that if you are going to charge the insured driver for protection against the uninsured driver, then you are in effect, in my mind, going to reduce the number of uninsured drivers to the absolute minimum. The only way that you can do that is to do as was suggested by SB 133. I am not offering SB 133. I have not even requested a public hearing on this bill because I know that it has no chance in view of the artificial reasoning. I say artificial, because there is no public objection to compulsory insurance. There are members of this Senate who are well aware of the fact that the demand is for compulsory insurance, rather than anything else. Something where the uninsured is compelled to pay the cost of injury, damage, etc. The New Hampshire plan is ascribed to do this. It makes the commissioner to require filing in several cases where now it is at the commissioner's discretion. He is now required to file proof of financial responsibility. The second time, for driving at excessive speed, driving to endanger, etc., it requires that registration plates be surrendered. He must file proof of financial responsibility, but after an accident, he is required to deposit not less than \$500. So, in case of asking the man in the first place, you do not ask these questions. Then you allow him to drive, and then demand this after an accident. They allow the commissioner now to return the deposit, after one year. This new law requires \$500 and the commissioner may hold that not to exceed two years. The New Hampshire plan also provides that the filing of proof of financial responsibility may be required whether damage has been done to property of others. In other words, if you do damage to your own car, you will be required to file proof of financial responsibility. The contention of the minority, of which I am speaking and for whom Senator Rainie will also speak, objects to the form of the plan, the economy of the plan, the unworkability of the plan. They believe the whole philosophy is wrong and neither the administration or



the general court will derive any better satisfaction or better benefit by the passage of this bill in its present form.”

Senator Merrill spoke in opposition to the motion to substitute and in support of the report of the majority of the committee, as follows:

“Mr. President, I think the minority members of the committee, contrary to the thought just expressed by Senator Rogers, are in favor of the bill as presented with the exception of the uninsured motorist provision. This plan, of course, as you all know, and probably everyone has made up his mind how he is going to vote. As a result of a great deal of study and thought on the part of the administration, insurance companies, the insurance industry as a whole, Motor Vehicle Department, I believe the philosophy of financial responsibility has worked and will continue to work. The uninsured motorist seems to be the point of conflict in the committee, and would appear to me to be the meat of the situation as far as the uninsured motorist is concerned. In the case of those people not able to recover, and lacking complete compulsory insurance, it would seem to me that this is the only method whereby the general public may recover damage in case of uninsured motorists.”

Senator Humphreys:

“Mr. President, I want to speak just about one point in this bill and that is there is no problem involved — by the payment of a premium, a person may be protected against uninsured motorists. The provisions of the bill from a practical standpoint, I have heard no opposition against the New Hampshire plan as being practical. One group of individuals say a person should not be compelled to pay a premium to protect himself against an irresponsible driver. I would point out that everybody is already doing that. (Speaks about buying insurance against fire. It is certainly paying for the protection against the acts of some other person, or possibly for your own.) There is no problem involved in this New Hampshire plan. I am in opposition to the motion to substitute.”

Senator Rainie:

“Mr. President, it seems to me that this whole question of compulsory insurance has been entirely changed by the fact that the insurance companies are now offering a policy to

take care of this. There is a policy available at the price of \$3.00 to take care of this, which one may have by, which will protect him as much as this bill. Under this bill, you are compelled to take it and you are compelled to take it upon the provision contained in the bill. As far as this bill is concerned, I am not interested in anything except my own welfare and the welfare of the citizens of the state. I am not interested in any insurance company or insurance policy or any particular group of people, excepting the citizens of the state of New Hampshire. I say to you that there is no difference between this financial situation and the situation of buying fire insurance on your home, etc. I urge you to vote to delete this from the bill and for the motion to substitute."

Senator Lamontagne and Senator Daniel spoke in opposition to the motion to substitute.

Senator Bennett spoke in support of the position of the Minority.

Senator Cleveland and Senator DeLude spoke against the motion to substitute.

(Discussion ensued)

Senator Lamontagne moved the previous question. Seconded by Senator Caron.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the adoption of the motion of Senator Rogers to substitute, and on this question, Senator Rogers demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Bennett, Rogers, Rainie, Bergeron, and Adams.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Merrill and Humphreys.

Five Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

Question now being on the adoption of the amendment offered by a Majority of the Committee.

On motion of Senator Merrill, the reading of the amendment was dispensed with.

On a *viva voce* vote, the amendment offered by a Majority of the Committee was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Bennett wished to be recorded as voting No on the passage of the above bill.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 236, An Act relative to motor vehicle liability insurance and requirements as to financial responsibility.

On motion of Senator Anderson, the Senate refused to reconsider its vote hereby it passed the above entitled bill.

### **Committee Report**

HB 362, An Act relative to state aid to school districts. Report of the Committee on Education (Senator Merrill): Ought to pass with amendment.

Amend said bill by inserting after section 2 the following new section:

3. *Study.* The State tax commission shall study the reasons why any town has a tax rate of less than \$2.50 per \$100.00 of valuation as computed on its last assessed valuation as equalized by the commission, if the school district in that town receives aid under the terms of this act, and shall report its findings to the 1959 session of the general court.

Further amend said bill by renumbering section 3 to read section 4.

The Clerk read the amendment.

Senator Holmes:

"Mr. President, this amendment was suggested by Senators who are interested in having some re-examination of the

formula. They did not wish at this late date of the session to put anything into the bill that would have a terrific impact. There was some feeling that something should be done. This amendment directs a study to this effect. This is for a study to be made relative to a change in the formula."

On a *viva voce* vote, the amendment was adopted.

Senator Holmes:

"Mr. President, the House amended this bill and you will find the House amendment in the House Journal for June 20. Referring to the original bill, you will find that it refers to the formula as explained. The House amendment states that the state board of education, in accordance with the formula that we now have, shall be in charge of this formula. In other words, this will not change the formula that was adopted."

Senator DeLude spoke as follows:

"Mr. President, I have always been impressed by the happy attitude we have when it comes to state aid formula for education. I am in support of the bill and the amendment as provided by the Senate. I appeared at the House hearing on this bill and I was asked if I had anything constructive to offer as a change because I did not approve of the formula. I said that we had authorized the tax commission to come up with something. Under the present formula for needy school districts, we have 33 towns getting aid out of 101. Better than one-third of the towns getting aid, whose tax rates are less than the state average. When you come up against this situation, I think it is about time that somebody woke up. There are cities in this state who got not one red cent from this formula. If you can show me a town whose equalized tax rate is only \$1.14 that is in dire need. I think there are gross inequities and I think a real study must be made. We must make very sure that the money is going to needy districts. I would not be talking in this vein if we in New Hampshire admitted that education needs help in all cases. I would not be standing up here pleading my cause today. We say that this is supposed to help the needy towns. When the towns have less than the equalized tax rate, I fail to see how they can be in dire need. I hope that in two years, we may have something constructive to work with."

(Discussion ensued)

Senator Adams spoke in opposition to the program of minimum standards and recommended practices in secondary schools, grades 9 through 12 contained in a pamphlet distributed by the state board of education.

Senator Adams stated that inasmuch as there seemed to be many questions which nobody could answer, he would request a recess.

Senator Holmes stated that she had called Mr. McCaffrey, the Commissioner of the State Board of Education, and that he was coming over to speak to the Senate and would be able to answer their many questions, and move that the Senate go into a Committee of the Whole to listen to the commissioner.

The Chair declared the Senate in a Committee of the Whole.

(Committee of the Whole)

The Chair announced that the Senate would be in recess until 3:30 P. M.

(Recess)

The Senate re-assembled.

### **House Message**

The House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 63, Joint Resolution relating to retired teachers study.

### **Introduction, First and Second Reading of Joint Resolution**

HJR 63 to the Committee on Finance.

### **House Message (continued)**

The House has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bill:

SB 159, An Act creating an interim commission for the purpose of redistricting ward lines, allocating ward polling places and recommending the lines for an additional ward in the city of Manchester.

The Speaker has appointed as members of such committee

on the part of the House, Mrs. Ainley and Messrs Geisel and Craig, all of Manchester.

The House has voted to adopt the report of the Committee of Conference on HB 429.

The Committee of Conference, to whom was referred HB 429, An Act relative to election campaign receipts and expenditures, having considered the same, report the same with the following recommendation: That the House recede from its position of non-concurrence and concur with the Senate in the adoption of its amendments.

STEWART LAMPREY,  
N. A. McMEEKIN,  
SCOTT F. EASTMAN,

*Conferees on the Part of the House.*

ERALSEY C. FERGUSON,  
CECIL C. HUMPHREYS,

*Conferees on the Part of the Senate.*

The House has voted to concur with the Honorable Senate in its amendment to the following entitled bill:

HB 269, An Act relative to motor vehicle road tolls and to maintenance allotment by state for class IV and class V highways.

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 376, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred HB 376 entitled, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire, having considered the same, report the same with the recommendation that the House of Representatives recede from its position of non-concurrence in the following amendments to the bill as adopted by the Senate:

The total amount of appropriation for capital improvements in section 1.

The amendments to paragraph I State hospital in section 1.

The amendments to paragraph III Industrial school in section 1.

The amendments to paragraph IV Laconia State School in section 1.

The amendments to paragraph VI Administration and control in section 1.

The amendments to paragraph VII department of education in section 1.

The amendments to paragraph VIII Forestry and recreation in section 1.

The amendments to paragraph XII Public works in section 1.

The change in the total appropriation for section 1.

The amendments to section 2 of the bill.

The amendments to section 3 of the bill.

The Committee of Conference further recommends that the Senate recede from its position in the adoption of its further amendments, that the House recede from its position of non-concurrence in said amendments and that the House and Senate concur in the adoption of the following amendments to the bill:

Amend said bill by striking out section 4.

Amend said bill by striking out section 5 and inserting in place thereof the following, renumbered section 4:

4. *Powers of Governor and Council.* The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking and projects hereinbefore enumerated;

II. To transfer funds from any project named in section 1 to any other project in the same section and to transfer funds from any project named in section 2 to any other project in said section;

III. To delete projects or parts of projects provided such deletion is for the public good or is necessary to keep within the funds appropriated;

IV. To substitute emergency long term repairs projects for any of the projects hereinbefore enumerated if such substitution is necessary for the public good; and

V. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

VI. To authorize expenditures by the public works division, of revenue in excess of appropriations and estimates as shown in sections 1, 2, and 3.

Amend said bill by renumbering section 6 to read section 5.

Amend section 7 of said bill by striking out the same and inserting in place thereof the following, renumbered section 6:

6. *Borrowing Power.* To provide funds for the appropriation made in section 1 hereof, the state treasurer is hereby authorized, under direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of two million, three hundred forty-three thousand one hundred fourteen dollars (\$2,343,114); to provide funds for the appropriations made in section 2 hereof not exceeding the sum of four hundred ten thousand five hundred dollars (\$410,500); to provide funds for the appropriation made in section 3 hereof the sum not exceeding six hundred eighty-eight thousand two hundred dollars (\$688,200) and for said purposes may issue bonds or notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid and the time or times of interest. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

Amend sections 8, 9 and 10 by renumbering the same to read sections 7, 8 and 9.

Amend section 11 of said bill by striking out the same and inserting in place thereof the following, renumbered section 10:

10. *Short Term Notes.* Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purpose hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder. Provided, however, that at no time shall the indebtedness of



the state on short term loans, exceed the following sums: (1) not exceeding the sum of two million, three hundred forty-three thousand, one hundred fourteen dollars for borrowing to provide funds for the purposes of section 1, (2) not exceeding the sum of four hundred ten thousand five hundred dollars for borrowing to provide funds for the purposes of section 2; and (3) not exceeding the sum of six hundred eighty-eight thousand two hundred dollars for borrowing to provide funds for the purposes of section 3.

Further amend said bill by renumbering sections 12, 13, 14, 15 to read sections 11, 12, 13, and 14.

FORREST W. HODGDON,  
LAURIER LAMONTAGNE,

*Conferees on the Part of the Senate.*

KENNETH C. BELL,  
AGENOR BELCOURT,  
FORREST B. COLE,

*Conferees on the Part of the House.*

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred HB 429, An Act relative to election campaign receipts and expenditures, having considered the same, report the same with the following recommendations: That the House recede from its position of non-concurrence and concur with the Senate in the adoption of its amendments.

ERALSEY P. FERGUSON,  
CECIL C. HUMPHREYS,

*Conferees on the Part of the Senate.*

STEWART LAMPREY,  
N. A. McMEEKIN,  
SCOTT F. EASTMAN,

*Conferees on the Part of the House.*

On motion of Senator Rogers, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

On motion of Senator Cleveland, the reading of the report of the Committee of Conference was dispensed with.

On motion of Senator Rogers, the Senate voted to adopt

the report of the Committee of Conference on the above entitled bill.

### House Message

The House has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 49, An Act relating to committals to Laconia State School and to the state dental board.

The Speaker has appointed as members of such committee, the Messrs. Sawyer of Brookfield, Bouvier of Swanzey, and Winston of Manchester.

On motion of Senator DeLude, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators DeLude and Adams.

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

The Chair announced that the Senate would now proceed with further discussion of HB 362, An Act relative to state aid to school districts, discussion of which was taken up this morning as a Committee of the Whole.

The bill being on its second reading, and open to further amendment.

Senator Adams:

“Mr. President, I am not going to offer the amendment I suggested this morning because I think it might be held as a note of no confidence for the commissioner of education. However, this matter is of very small concern in my District, but I raised the question more as a matter of principle. I am violently opposed to the state department up held telling the small towns how to run their affairs. We have very little control left in our small towns now and if we don’t watch our step, the time will come when we will have no control left. I would not want my remarks interpreted that I have no confidence in our commissioner of education because I have the greatest confidence. However, it is a difference in philosophy in the

thinking of people. I will offer no amendment for reasons stated above."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Holmes, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 362, An Act relative to state aid to school districts.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of 4 committee reports not previously advertised in the Journal.

### **Committee Reports**

HB 165, An Act to provide state aid for nursing education. Report of the Joint Committee on Finance and Education (Senator Merrill): Ought to pass.

Senator Merrill:

"Mr. President, this particular bill provides for assistance to the education of nurses, both primary training, basic training and advanced training. The total appropriation is \$25,000 for the scholarships, provided in the bill, and \$25,000 for the administration of the particular act. Other states apparently are providing this sort of thing and it seems very worthwhile in view of the fact that there is a shortage of nurses. The measure had a great deal of support on the part of nurses in general, and the hospital supported the measure, although, of course, the money to be used in this particular way will not go to the hospital, but will go to the nurses taking the training. It will benefit the hospital in that it will provide other nurses."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 217, An Act relating to school building aid. Report of the Joint Committee on Finance and Education (Senator Merrill): Ought to pass.

Senator Merrill:

"Mr. President, this particular bill increases the aid to school districts on school building construction. At the present time, regular school districts are entitled to 20% of their annual bond payment. This bill would provide 30%. At the present time, co-operative school districts are allowed 40% and that remains the same in the bill. The House also put on another amendment, providing that a town or city which takes high school students from outlying towns would be allowed an extra 2½% for providing this accommodation to the outlying towns. This would affect about 21 high schools. No opposition. There was considerable support for it. The committee recommends its passage"

On a *viva voce* vote the bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 447, An Act making appropriations for the expenses of the department of public works and highways for the year ending June 30, 1958.

Senator Merrill:

"Mr. President, I hope that no one asks me a lot of questions about the highway budget. I am afraid I am not too familiar with it. Much thought was given to it and the House gave it a great deal of study. The House added a personal service item of some \$20,000 for additional accountants which are necessary on account of the increased work load. The amount of money involved in road construction remains the same as proposed by the Department."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 448, An Act making appropriations for the expenses of the department of public works and highways for the year ending June 30, 1959, and providing funds for highway improvements. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill: "Mr. President, I have no further comment to add to this. It is the companion bill to the previous bill."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Adams, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

HB 305, An Act relative to minimum wage law, Report of the Committee on Labor (Senator Adams): Ought to pass with amendments.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Special Cases.* Amend RSA 279:22 (supp) as amended by 1955, 288:1 by striking out said section and inserting in place thereof the following: 279:22. *Special Authorization in Certain Cases.* A person with less than six months' experience in an occupation, or a person whose earning capacity is impaired by age or physical or mental deficiency, or a person who is nineteen years of age or under or who is sixty-five years of age or over, may be paid not less than seventy-five cents per hour upon application to and authorization from the commissioner of labor.

Amend said bill by inserting after section 2 hereof, the following new section:

3. Amend RSA 171:19 by adding the following language at the end of said paragraph: Parolees participating in the rehabilitation program under the general supervision and direction of the Laconia state school are excluded from the provisions of RSA 279, as amended by 1955, 288:1, so that said section as amended shall read as follows:

171:19. *Parole.* The trustees may permit any inmate of the school to leave the institution on parole or change the conditions on which it is granted. They shall cause an investigation to be made prior to the granting of such parole, as to the home into which such inmate is to go if paroled, and other conditions and circumstances which may affect his or her welfare and behavior, and shall provide such supervision of paroled inmates as may be deemed necessary for their welfare. The trustees may revoke the parole and order the return of the inmate to whom it has been granted. No length of absence or parole shall operate as a discharge from the school. Parolees participating in the rehabilitation program under the general supervision and direction of the Laconia state

school are excluded from the provisions of RSA 279, as amended by 1955, 288:1.

Further amend said bill by renumbering section 3 to read section 4.

Senator Adams:

“Mr. President, the amendments do two things: one, to allow children at the Laconia state school who work outside to be excluded from the provisions of the minimum wage law. Two, to provide that persons nineteen or under or persons who are sixty-five years of age or over, may be paid not less than seventy-five cents per hour upon application to and authorization of the Commissioner of Labor. There was no disagreement.”

On a *viva voce* vote, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### Third Reading of Bill

The following entitled bill was read a third time, and passed:

HB 305, An Act relative to minimum wage law.

### Report of Committee of Conference

The Committee of Conference, to whom was referred HB 331, An Act relative to powers of mayor and aldermen over finance commission in the city of Manchester, having considered the same, report the same with the following recommendations: That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendments, and the following amendments be adopted:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Manchester Finance Commission.* Amend chapter 226, of the Laws of 1921 by inserting after section 6 the following new section: Section 6-a. Notwithstanding the other provision of this chapter any resolution or ruling of the finance commission may be overruled by the affirmative vote of two-

thirds of all the elected members of the board of aldermen of the city, provided, however, that the mayor must concur with the two-thirds vote. A vote to overrule a decision of the finance commission shall be filed in the office of the city clerk.

2. *Referendum.* At the regular municipal election to be held in the city of Manchester in November, 1957, the city clerk then in office, shall cause to be included on the ballot then used the following question: "Shall the law establishing a finance commission for the city of Manchester be repealed?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each said word in which the voter may indicate his choice.

3. *Takes Effect.* The provisions of section 2 of this act shall take effect upon its passage and the provisions of section 1 shall take effect January 1, 1958.

PAUL H. DANIEL,  
BENJAMIN C. ADAMS,

*Conferees on the Part of the Senate.*

JOHN PILLSBURY,  
JOHN W. KING,  
WM. H. CRAIG, JR.,

*Conferees on the Part of the House.*

On motion of Senator Daniel, the Clerk read the report of the Committee of Conference.

Senator Daniel spoke in favor of adoption of the report of the Committee of Conference.

On a *viva voce* vote, the Senate voted to adopt the report of the Committee of Conference.

Senator Packard desired to be recorded as voting No on the above motion.

### House Message

The House of Representatives has voted to non-concur in the adoption of the amendments sent down from the Honorable Senate and request a Committee of Conference on the following entitled bill:

HB 236, An Act relative to motor vehicle liability insurance and requirements as to financial responsibility.

The Speaker has appointed as members of such committee on the part of the House, the Messrs. Crosby of Hillsborough, Duke of Hanover, and Craig of Manchester.

On motion of Senator Anderson, the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Lamontagne and Merrill.

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

### **Introduction of Guests**

The President welcomed the following guests to the floor of the Senate:

As the guest of Senator Karkavelas, the Honorable T. Maxwell Marshall of Portland, Me.

As the guest of Senator Ferguson, Mr. Thomas McKoan of Pittsfield.

### **Introduction of Senate Bill**

SB 213, An Act relative to voters in the city of Portsmouth. Introduced by Committee on Rules.

The above entitled bill was read a first and second time.

On motion of Senator Humphreys the rules were suspended to dispense with printing, referral to committee and public hearing, and the bill was ordered to a third reading and final passage at the present time.

### **Third Reading of Senate Bill**

The following entitled bill was read a third time, and passed:

SB 213, An Act relative to voters in the city of Portsmouth.

### **House Message**

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendment,



in the passage of which the House of Representatives asks the concurrence of the Honorable Senate:

SB 208, An Act relative to abatement for overpayment of income taxes.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Income Taxes.* Amend RSA 77:25 by striking out said section and inserting in place thereof the following: 77:25. *Application for Abatement.* Upon written application therefor made by a taxpayer within three years from due date of the tax, that an overpayment of the tax was made, the tax commission upon proof thereof may abate the amount of such overpayment. The state treasurer, upon warrant from the commission or the court shall repay the taxpayer the amount of such overpayment. When an overpayment of the tax is refunded the amount thereof shall be withheld from any future distribution of the tax due to the town or city in which the taxpayer resided.

2. *Takes Effect.* This act shall take effect sixty days after passage.

On motion of Senator Bennett, the Senate voted to non-concur in the adoption of the amendments sent up from the House and requests that a Committee of Conference be appointed.

Pursuant to the above, the Chair appointed as members of such committee on the part of the Senate, Senators Cleveland and Humphreys.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### **Committee Report**

SJR 10, Joint Resolution relative to Mount Washington. Report of the Committee on Finance (Senator Caron) : Ought to pass.

Senator Merrill:

“Mr. President, this joint resolution arrived in our hands a short time ago, relative to the continued study of facilities of Mount Washington. Presently, there is a study underway

which has been partially completed. This would complete the study and report back to the next session of the Legislature.”

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Packard, the Senate went into afternoon session.

### Afternoon Session

The following entitled bills and joint resolution were read a third time, and passed:

HB 165, An Act to provide state aid for nursing education.

HB 217, An Act relating to school building aid.

HB 447, An Act making appropriations for the expenses of the department of public works and highways for the year ending June 30, 1958, and providing funds for highway improvements.

Senator Hodgdon desired the following remarks to be recorded:

That the Commissioner of Highways approves the use of \$1,500,000 on the secondary system and it is estimated 100 miles will be improved with this amount of money on the secondary system.

HB 448, An Act making appropriations for the expenses of the department of public works and highways for the year ending June 30, 1959, and providing funds for highway improvements.

SJR 10, Joint Resolution relative to Mount Washington.

On motion of Senator Adams, the Senate adjourned at 5:10 P. M., to meet tomorrow morning at 11:00 o'clock.

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THURSDAY, AUGUST 1, 1957

The Senate met at 11:00 o'clock.

### Introduction of Guests

The President welcomed as guests to the Senate, Mrs. Lane Dwinell, the First Lady of our State, and Mrs. Madeline Dane, the fiancée of the President of the Senate.

**Communication**

July 30th, 1957.

Honorable Eralsey Ferguson,  
President of the Senate,  
State House,  
Concord, New Hampshire.

DEAR MR. FERGUSON:

It is with a great deal of pleasure that I carry out the request of Mr. and Mrs. Harl Pease to express their gratitude to you and all the members of this 1957 Senate for passing the Concurrent Resolution that names the Newington Air Force Base, — Pease Air Force Base — in honor of their son Captain Harl Pease, Junior, a recipient of the Medal of Honor for his outstanding, heroic service during World War II.

Mr. and Mrs. Pease and their daughter feel highly honored and will forever look with pride and sincere thanks to the action we have taken to perpetuate the family name for their only son.

Sincerely,

SENATOR IDA HORNER,  
*Senator from the 3rd District.*  
Thornton, New Hampshire.

**House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 257, An Act relative to bounties on porcupines.

HB 297, An Act relative to conveyance of land to the town of Nottingham.

**Introduction, First and Second Reading of House Bills**

HB 257 to the Joint Committee of Fisheries and Game and Finance.

HB 297 to the Committee on Resources, Recreation and Development.

**House Message (continued)**

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with

amendment, in the passage of which amendment the House asks the concurrence of the Honorable Senate:

SB 21, An Act relative to the registration of motor vehicles by manufacturers or dealers.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Automobile Registration Applications.* Amend RSA 260:44 by striking out said section and inserting in place thereof the following: 260:44. *Applications.* Every application filed with the commissioner under the provisions of this chapter or other laws and regulations relative to motor vehicle laws shall contain the words "This application is signed under the penalty of perjury." The commissioner, upon evidence satisfactory to him that the person who has made an application under the provisions of this chapter or other laws and regulations relative to motor vehicles has made any material false statement in such application, may, after hearing, suspend or revoke the license or certificate of registration issued to such person.

Amend section 5 of the bill by striking out said section and inserting in place thereof the following:

5. *Takes Effect.* The provisions of section 4 shall take effect as of April 1, 1958 and the remaining provisions of this act shall take effect upon its passage.

On motion of Senator Packard, the reading of the amendment was dispensed with.

Senator Packard:

"Mr. President, this is the bill pertaining to dealer registration plates which was passed through this Senate two or three months ago. The bill got into a controversy in the wording in the House. After much debate, the House has finally agreed to this amendment. It does not change the intent, but it puts the words in a little differently. Also, it says to obtain these dealer plates, application for same shall be under oath."

On motion of Senator Packard, the Senate voted to concur in the adoption of the amendment.

#### House Message (continued)

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

SB 188, An Act relative to the sewerage system in the town of Hampton.

SB 211, An Act relative to tax exemption for the blind.

The House has voted to accede to the request of the Honorable Senate for a Committee of Conference on the following entitled bill:

SB 208, An Act relative to abatement for overpayment of income taxes.

The Speaker has appointed as members of such committee on the part of the House, Mrs. Miner of Meredith, Messrs. Ingham of Winchester and Cilley of Concord.

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 305, An Act relative to minimum wage law.

HB 362, An Act relative to state aid to school districts.

The House has voted to adopt the report of the Committee of Conference on the following entitled bill:

HB 49, An Act relating to committals to Laconia State School and to the state dental board.

The Committee of Conference, to whom was referred House Bill No. 49, An Act relating to committals to Laconia State School and to the state dental board, having considered the same, reported the same with the following recommendations:

That the House recede from its position of non-concurrence and concur with the Senate in the adoption of its amendment.

MARGARET B. DELUDE,  
B. C. ADAMS,

*Conferees on the Part of the Senate.*

PATRICK J. WINSTON,  
J. EDWARD BOUVIER,  
HOWARD P. SAWYER,

*Conferees on the Part of the House.*

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 213, An Act relative to registration of voters in the city of Portsmouth.

### Committee Reports

HB 384, An Act relating to taxation in Pittsburg and Clarksville. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator O'Brien:

"Mr. President, this bill pertains to two towns in my District where the Murphy Dam was built and the Francis Lake exists. It was felt that the state should help in the matter of taxes. The bill, as it passed the House, carried the biennial appropriation of \$12,500."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

HB 124, An Act relative to motor vehicle driving training. Report of the Committee on Finance (Senator Caron): Ought to pass with amendment.

Amend Section 1 of said bill by inserting in line 4 after the word "commissioner" the words, with the approval of governor and council, so that said section as amended shall read as follows:

1. *Motor Vehicle Funds.* Amend RSA 262 by inserting after section 1 the following new section: 262:1-a. *Driver Training.* The net proceeds from service fees for initial number plates shall be expended by the commissioner with the approval of governor and council for the promotion of and instruction in safe motor vehicle driving. The commissioner is authorized to adopt rules and regulations for the purpose of carrying into effect the provisions of this section.

Senator Merrill:

"Mr. President, this amendment will merely insert the words 'with the approval of the Governor and Council.' The bill provides for the promotion of, and instruction in, safe motor vehicle driving."

The amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

**Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 124, An Act relative to motor vehicle driving training.

**Committee Reports (continued)**

HJR 20, Joint Resolution for appropriation for carrying out provisions of statute relative to regional agreements for educational facilities for New Hampshire residents. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill:

"Mr. President, as the title above indicates, it is for the carrying out of provisions of statute relative to regional agreements for educational facilities for New Hampshire residents, particularly in the field of medical and dental education. Briefly, the purpose is to provide the extra cost of tuition to students in these two professions to the out of state institutions, because we have none of our own. The appropriation is about \$2500 for medical and \$1500 for dental students. The state board of education has some authority to pick these individuals to take these courses to make certain that only well qualified individuals are to receive this help. Appropriation of \$18,000 each year of the biennium."

Senator DeLude:

"Mr. President, I would like to state here that I have not been active on this bill. I think it is a little bit ludicrous to appropriate anything like this amount, when we appropriate \$25,000 for nurses. I think we should at some future time give serious consideration to this matter. I think this matter does deserve some very serious consideration in the future."

The joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 34, Joint Resolution in favor of the Franconia Ski Club. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill:

"Mr. President, I think this particular resolution carries an appropriation of some \$2350. It represents some additional

cost in the construction of the Franconia Ski Jump by the Franconia Ski Club. I believe originally there was an agreement with the Recreation Department, as to payment of cost. They paid a part of it, and apparently the Club did not estimate the cost closely enough and they had to pay more. The bill was amended, over the objections of the Recreation Department, to provide that this would be a charge against the recreation fund and rather than go into the process of amending it, we left it as it is as it will finally wind up from the same pocket, anyway."

The joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 38, Joint Resolution relative to a study of the pollution problem of the Great Bay watershed. Report of the Committee on Finance (Senator Caron) : Ought to pass.

Senator Merrill:

"Mr. President, this particular study produced a great deal of favorable comment and approval by many people from the seacoast area. Great Bay, as everyone knows, covers a considerable area (approximately 100 miles) of tidewater seacoast in that area. The whole area is probably polluted considerably from Dover, Portsmouth, etc. This carries an appropriation of \$10,000. It seemed to be worthwhile. More money may have to be spent to complete the study, but it was felt that this was reasonable to start the project."

Senator Humphreys:

"Mr. President, for the record, I wish to make a few remarks. Many people appeared also at the House hearing which I attended from various places within the state, not just from that area. The pollution problem down there has gotten ahead of us. Something should have been done some years back. It has gotten to the point where there is almost no fish there. It is polluted to the point that people who go there find that it is getting dangerous to swim. I believe this is a very worthwhile project and I hope that the Senate will go along with the committee report."

The joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

HJR 45, Joint Resolution relative to a survey of facilities at Echo Lake — Cathedral Ledge State Park in North Con-



way, and surrounding area. Report of the Committee on Finance (Senator Caron) : Ought to pass.

Senator Merrill:

"Mr. President, the amount of appropriation is \$10,000. This particular project has to do with Echo Lake and the Cathedral Ledge State Park. Many of the people in that particular area who are affected by the use of that particular park and area appeared in favor. No one appeared in opposition. It will develop a better area for bathing. There is some need to furnish a source of water supply to meet the level of water in the lake, I believe."

The joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Karkavelas, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### **Committee Report**

HB 83, An Act relative to misrepresentation by minor for purpose of purchase of liquor or beverages. Report of the Committee on Liquor Laws (Senator Provost) : Ought to pass.

Senator Karkavelas:

"Mr. President, this is a bill that pertains to minors receiving liquor or beer under a falsification of age. At the present time, there is a \$20 fine to the minor if he lies about his age to obtain beer from stores or clubs. The House has amended the bill to increase the fine from \$20 to \$50. Mr. McFarlane appeared in favor of the bill. The committee felt that it should be passed."

The bill was ordered to a third reading this afternoon at 2:00 o'clock.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred HB 236, entitled An Act relative to motor vehicle liability insurance and requirements as to financial responsibility, having considered the same, report the same with the following recommendations:

1. That the House of Representatives recede from its position of non-concurrence and concur with the following amendments to said bill adopted by the Senate.

The amendment to section 1 of said bill.

The amendment to section 8 of said bill.

The amendment to section 9 of said bill.

The amendment to section 12 of said bill.

2. The Committee of Conference further recommends that the House recede from its position of non-concurrence in the amendment to section 6 of said bill, that the Senate recede from its position in adopting its amendment to section 6 of said bill, and that the Senate and House concur in the adoption of the following amendment to said bill:

6. *Exceptions.* Amend RSA 268:8 (supp) as amended by 1955, 164:1 by striking out said section and inserting in place thereof the following: 268:2. *Limitation of Operation.* The provisions of section 5 shall not apply: (a) to the owner of a motor vehicle, trailer, or semi-trailer operated by one having obtained possession or control thereof without his express or implied consent; (b) to either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident when the commissioner shall be satisfied that neither caused nor contributed to cause the accident, except that any such determination of satisfaction shall be reversed by the commissioner should any court subsequently render judgment based upon said accident against said operator or owner or both, in which event the commissioner shall forthwith suspend the license and registration certificate in accordance with the provisions of section 5; (c) to either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident that was caused by the criminal act of a third party, for which criminal act such other party has been convicted. Nothing contained in section 15 hereof shall be so construed as to deprive an insured person in litigating his claim against an uninsured person from a right of trial by jury. If the form of policy authorized by section 15 hereof does not contain an arbitration clause approved by the insurance commissioner, the insured may have the liability of the insurer determined by a trial of the issues by the superior court justice. In the event of arbitration the insured shall not be required to advance costs, and at the conclusion of such arbitration the

arbitration costs shall be divided equally between the insured and the insurer.

LAURIER LAMONTAGNE,  
DEAN B. MERRILL,

*Conferees on the Part of the Senate.*

R. WAYNE CROSBY,  
WM. H. CRAIG, JR.,  
F. DUKE,

*Conferees on the Part of the House.*

On motion of Senator Lamontagne, the reading of the report of the Committee of Conference was dispensed with.

On motion of Senator Merrill, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred SB 209, entitled An Act relating to deputy clerks of court and sheriffs' services, having considered the same, report the same with the following recommendation:

That the House recede from its position in adopting its amendment, that the Senate recede from its position of non-concurrence in the House amendment, and further recommend that the Senate and House concur in the adoption of the following amendment to said bill:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relating to deputy clerks of the superior court.

Amend section 2 of said bill by striking out the same and by renumbering section 3 to read section 2.

J. C. CLEVELAND,  
LOUIS W. PAQUETTE,

*Conferees on the Part of the Senate.*

MARTHA FRIZZELL,  
ANGELINE ST. PIERRE,  
BURNHAM B. DAVIS,

*Conferees on the Part of the House.*

On motion of Senator Cleveland, the Senate voted to adopt

the report of the Committee of Conference on the above entitled bill.

Senator Rainie requested Senator Cleveland to explain what the dropping of this means.

Senator Cleveland:

"Section 1 in the original bill would permit the superior court the authority to appoint deputy clerks. The second part was struck out. It had to do with sheriffs' fees."

Senator DeLude inquired of Senator Cleveland:

"My understanding when we passed that bill was that it was to clarify the law. If you strike it out completely, aren't you still leaving it in a hazy state?"

Senator Cleveland replied:

"Yes. It is up to the Senate to determine whether or not it is wise. I answered your question, I believe."

Senator Bennett inquired of Senator Cleveland:

"What is your thinking on this? Your own opinion, and as a member of the committee? Do you think it wise to strike this?"

Senator Cleveland:

"The Senate Judiciary Committee passed it that way, but I had no strenuous feeling about it. Personally, I think the county solicitor should do it."

Senator Paquette inquired of Senator Cleveland:

"Does the county solicitor do it today?"

Senator Cleveland:

"In most counties, he checks them, but there is no authority for him to do it."

Senator Lamontagne inquired of Senator Cleveland:

"In the original bill, does this just make it as has been done for the past several years? This does not change the present law?"

Senator Cleveland replied in the affirmative.

The Chair stated that "under the present law, as it now exists, prior to the adoption of the amendment offered by the Senate Judiciary Committee. The prior law was that the sheriffs had to report annually to the county commissioners

and have their expense account O.K.'d. In some Counties, that was done, and in some other Counties that was utterly disregarded. This provided that instead of reporting to the County Solicitors, they would report to the judge and have him O.K. them. As I pointed out, while the judges may be good judges, they might be far from good business men. As Senator Cleveland has pointed out, the sheriffs finally came around and agreed to have that struck from the bill. It now leaves their salaries to the County solicitor and leaves the law as it has been since 1941."

Senator Lamontagne spoke in support of the report of the Committee of Conference.

On motion of Senator Cleveland, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

### House Message

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

SB 209, An Act relating to deputy clerks of court.

The Committee of Conference, to whom was referred Senate Bill No. 209, entitled An Act relating to deputy clerks of court and sheriff's services, having considered the same, reported the same with the following recommendation:

That the House recede from its position in adopting its amendment, that the Senate recede from its position of non-concurrence in the House amendment, and further recommend that the Senate and House concur in the adoption of the following amendment to said bill:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relating to deputy clerks of the superior court.

Amend section 2 of said bill by striking out the same and by renumbering section 3 to read section 2.

JAMES C. CLEVELAND,

LOUIS W. PAQUETTE,

*Conferees on the Part of the Senate.*

MARTHA FRIZZELL,

ANGELINE ST. PIERRE,

BURNHAM B. DAVIS,

*Conferees on the Part of the House.*

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

HJR 63, Joint Resolution relating to retired teachers study. Report of the Committee on Finance (Senator Caron) : Ought to pass.

Senate Merrill:

"Mr. President, this is relative to a study of the situation affecting some 359 retired teachers. Many of whom are in their seventies, whose pension money will be from \$84 down to \$17. The teachers retirement board have been very much concerned with this situation and have felt that some study should be made to correct this situation which would not affect the present retirement plan. Several people appeared in favor. The retirement board and the commissioner of education, also. About \$2,500. This is a group that will not be having additions to it because the Social Security takes care of all cases now."

On a *viva voce* vote, the joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

### Report of Committee of Conference

The Committee of Conference, to whom was referred HB 49, An Act relating to committals to Laconia state school and to the state dental board, having considered the same, report the same with the following recommendations: That the House recede from its position of non-concurrence and concur with the Senate in the adoption of its amendment.

MARGARET B. DeLUDE,  
B. C. ADAMS,

*Conferees on the Part of the Senate.*

PATRICK C. WINSTON,  
J. E. HORNER,  
HOWARD P. SAWYER,

*Conferees on the Part of the House.*

On motion of Senator DeLude, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

On motion of Senator Daniel, the rules of the Senate were so far suspended as to place the following entitled bills and joint resolutions on their third reading and final passage at the present time.

### **Third Reading of House Bills and House Joint Resolutions**

The following bills and joint resolutions were read a third time, and passed:

HB 83, An Act relative to misrepresentation by minor for the purpose of purchase of liquor or beverage.

HB 384, An Act relating to taxation in Pittsburg and Clarksville.

HJR 20, Joint Resolution for appropriation for carrying out provisions of statute relative to regional agreements for educational facilities for New Hampshire residents.

HJR 34, Joint Resolution in favor of the Franconia Ski Club.

HJR 45, Joint Resolution relative to a survey of facilities at Echo Lake—Cathedral Ledge State Park in North Conway, and surrounding area.

HJR 63, Joint resolution relating to retired teachers study.

Senator Packard moved that the Senate reconsider its vote whereby it ordered HJR 38 to a third reading, in order to place the joint resolution on its second reading, and open to amendment.

On a *viva voce* vote, the negative prevailed, and the motion was lost.

The following joint resolution was then read a third time, and passed:

HJR 38, Joint Resolution relative to a study of the pollution problem of the Great Bay watershed.

### **Suggestion**

Senator Cleveland suggested that the Clerk of the Senate be instructed some time between now and the end of our next recess, to procure a photographer, in order that the members of the Senate might have pictures taken.

### **Correction in Senate Journal**

At the request of Senator DeLude, the following cor-

rection will be made in the permanent Journal of Wednesday, July 31: On Page 1128, fifth paragraph where it says "Senator Cleveland and Senator DeLude spoke in favor of the motion to substitute." Correction should read: Senator Cleveland and Senator DeLude spoke against the motion to substitute.

The Chair declared a recess until 2:30 P. M.

(Recess)

The Senate re-assembled.

### House Message

The House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill:

House Bill No. 236, An Act relative to motor vehicle liability insurance and requirements as to financial responsibility.

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

HB 124, An Act relative to motor vehicle driving training.

The House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

SB 196, An Act relative to qualifications for registrations as pharmacists.

The House has adopted the following Concurrent Resolution, in the adoption of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

The House has adopted the following Concurrent Resolution in the adoption of which it asks the concurrence of the Honorable Senate:

*Whereas*, it appears that all necessary legislative work may be accomplished by Friday, August 2, next, therefore be it

*Resolved*, by the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, August 2, next, at 5:00 o'clock in the afternoon, and be it further



*Resolved*, that on that date all reports, bills and joint resolutions, with the exception of those such as have been referred to the Legislative Council, Judicial Council and the next Legislature, be indefinitely postponed.

On motion of Senator Provost, the Senate voted to concur in the adoption of the above Concurrent Resolution.

The Chair declared a recess.

(Recess)

The Senate re-assembled.

### House Message

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 166, An Act relating to the board of approval for bonds of state employees and officials.

SB 191, An Act relative to economic growth survey.

SB 194, An Act relative to political expenditures and contributions.

The House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

HJR 31, Joint Resolution relating to reconstruction of Fort at Number Four.

The above captioned joint resolution was read a first and second time.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to dispense with referral to committee and public hearing.

Senator Merrill read the joint resolution and moved that the rules of the Senate be so far suspended as to place the joint resolution on its third reading and final passage at the present time.

Senator Adams:

“Mr. President, do I understand that we are passing a joint resolution of this nature and we have already passed a concurrent resolution to adjourn tomorrow at 5:00 o’clock? I can’t understand this.”

Senator Bennett:

"I certainly subscribe to the thinking of Senator Adams. Can the Chair advise when this was introduced into the House?"

Senator DeLude:

"Mr. President, I am in agreement with Senators Bennett and Adams. The House Appropriations Committee did not act on this or bring it out until this morning. As long as this amount of money to be expended will be in my district, I think I can advise what it does. The local group must raise and expend \$40,000 before this amount will be available. It is thought that this is of great historic value. First, the bill asked the state for \$20,000, out of pocket. It was felt that that was asking the state to do too much. I go along with that thinking. I do not believe the Senate should be blamed for the lateness in this report — the delay has been in the House. These funds will be expended under the public works and only after the local group has raised and expended \$40,000."

Question being on suspension of the rules to place the above joint resolution on its third reading and final passage at the present time. On this motion, Senator Cleveland requested a division.

Four Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion to suspend the rules did not carry.

(Discussion ensued)

Senator Packard moved that the matter be laid upon the table.

On this motion, Senator DeLude demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: O'Brien, Horner, Hodgdon, Cleveland, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Adams, Merrill and Humphreys.

The following named Senators voted in the negative: Lamontagne, Bennett, DeLude, Anderson, Rhodes, Holmes and Karkavelas.

Thirteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the motion to lay upon the table carried.

### House Message

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 65, An Act for county cooperative extension work in agriculture and home economics.

The above entitled bill was read a first and second time.

Senator Merrill moved that the rules of the Senate be so far suspended as to dispense with referral to committee and public hearing on the above entitled bill:

Senator Merrill:

"Mr. President, this is an increase in salaries for the county extension workers of 10%. It was placed in the hands of the Appropriations Committee in January, and acted on by this committee on August 1st. That is all I have to say."

Senator Cleveland requested the Clerk to read the bill, which he did.

Senator Bennett:

"It looks to me as though the only one thing that we can do here with this bill is to pass it. As I understand it, it does involve some federal money. If we do not act on this bill, the money will be lost, and it also involves funds for recreation and other agencies. If this bill was defeated, the salaries of these workers would be continued."

Senator DeLude:

"There are six additional people provided for by federal appropriation. Before a county is eligible for these people, they have to vote that they want them. That would knock that out."

Senator O'Brien spoke in favor of the bill and also in support of the suspension of the rules:

"Having devoted 30 years of my life to that organization, I believe I can speak in favor of their program. I agree with Senator Adams that this poor procedure, when we are all deprived of an opportunity to hold public hearings, etc. on a bill. However, this legislation is important. The extension service in this state and in every other state, Alaska, Porto Rico, and in the Hawaiian Islands — the service is important.

They are financed by three sources. Federal government, which must be matched by state funds, therefore, there is a certain amount of state money involved. These funds must be matched by the county. At the present time, in this state, for extension workers, 25% is from state funds, 49% from federal funds, and 26% from the county funds. As you well know, the state funds are coming from what you can call in this state 'sin' money. But, unfortunately, the county funds must come from taxes on real property. In some counties, the extension money is 8%. In Hillsborough county, which is fortunate enough to have two cities, the county appropriation for extension work is approximately 2%. In the small counties, it is proportionately more. This state has been lagging behind in its work in extension work and has been for some time. This is an effort on the part of the University of New Hampshire to more or less equalize the money from the county and from the state. I have been led to understand that if this appropriation is made, state funds will be increased to 32%. The county will be reduced 39% and the increase in the state budget would be reflected in the county budget being decreased. It is an opportunity of the legislature in this state to make a real contribution to the people in the county, both in the cities and in the towns. I said at the beginning that I disagree with the method employed in getting action on this bill. I have been trying to get this bill brought before the Senate committee for some time. It is extremely unfortunate. I dislike the methods used, but on the other hand, it is my firm belief that I must go against my better judgment and support the motion at this time."

Senator Merrill:

"Mr. President, I hesitate to kill this bill. I think sometimes we let our emotions get away from us a little bit. I think we might solve the matter by making this a Special Order of Business for tomorrow morning and the Finance Committee will hold a public hearing. We can act after that, and it will not delay the session."

Senator Merrill withdrew his previous motion to dispense with referral to committee on public heading on the above entitled bill.

Senator Karkavelas:

“Mr. President, I have spoken with Mr. Hoyt of the extension service a short time ago. He has been trying to get this bill out. I ascribe to the remarks of Senator O’Brien. If this courtesy is given, I will get in touch with Mr. Hoyt in order that he may appear before the committee in the morning.”

The above entitled bill was referred to the Committee on Finance by the Chair.

### **House Message**

The House has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 381, An Act relative to the operation of motor vehicles, operation of motor vehicles by juveniles, and for the registration of motorcycles by manufacturers and dealers.

The above entitled bill was read a first and second time.

### **Introduction, First and Second Reading of House Bill**

The above entitled bill was referred to the Committee on Transportation.

Senator Packard:

“Mr. President, I don’t know whether to ask to suspend the rules or not. It is a very simple bill. It corrects a few technicalities in the Motor Vehicle Law. With the time limit involved, a hearing would not be possible. I might say that this appears in the House Journal for July 31, Page 33. It would allow a person 15 to drive a car which involves somewhat of a conflict in New Hampshire where the age limit is 16. This clarifies that issue. Where we said that a minor could not obtain a license without parental permission — this changes it to juvenile, which is a difference. We have never had a provision of the Motor Vehicle Law to permit the registration of motorcycles.”

Senator Lamontagne:

“I had a bill that was to correct the same thing, and now I will not have to introduce it.”

Senator Holmes spoke in favor.

Senator Cleveland:

“For the record. I think anyone under 21 should either have their parents permission or insurance.”

Senator Lamontagne requested a two minute recess, which was granted by the Chair.

(Recess)

The Senate re-assembled.

Senator Packard moved that the order whereby the above entitled bill was referred to the Committee on Transportation be vacated.

Senator Bennett:

“I would like a little further explanation of that one particular amendment. I think Senator Packard did not bring the full force out in his comment — and I think that makes some sense.”

Senator DeLude:

“As I read the bill, it says OR. You get insurance policies from year to year. I would be opposed to taking that out and I am on the committee. The parent should be giving the consent to the child driving the car.”

Senator Packard:

“It stated that the only change in that particular section was just one. The word ‘minor’ had been removed and juvenile has been added instead. It was spelled out that anyone nineteen or twenty, or in the service, it would be somewhat silly for them to have to ask their parents’ permission for them to get a driving license. I have just been informed that a juvenile is termed anyone by law under 18 years of age.”

Senator Lamontagne:

“I would like to point out that there are some families where the parents are divorced and therefore, if they had to turn to their parents, they would have a hard time to get a license from the Motor Vehicle Department. You are going to create teen agers before the courts operating without a license or registration. We do not want to do that. I was self-supporting at 16 years of age. I had my own trucking business. My father had 17 children and that makes quite a hardship. I was one of the lucky ones — I had good parents, but many

of our young people do not have good parents — they have parents that are just no good. When I found out about this bill — I am responsible for bringing this thing out — when I discovered that we had passed this law on July 3rd of this year, I felt ashamed. I don't want my children or my friend's children to be faced with this law that we have passed. I am ashamed that I have been a party to passing this law."

Question being on the motion of Senator Packard to vacate.

On a *viva voce* vote, the motion prevailed.

On motion of Senator Packard, the rules of the Senate were so far suspended as to place this bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 381, An Act relative to the operation of motor vehicles, operation of motor vehicles by juveniles, and for the registration of motorcycles by manufacturers and dealers.

Senator Cleveland desired to be recorded as having voted against the above entitled bill.

### **House Message**

The House has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 325, An Act relating to fly fishing and the taking of cotarnix quail.

### **Introduction, First and Second Reading of House Bill**

HB 325 to the Committee on Fisheries and Game.

### **House Message**

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

HB 344, An Act relative to the compensation of legislative attaches.

**Introduction, First and Second Reading of House Bill  
HB 344 to the Committee on Finance.**

**House Message**

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 205, An Act relative to by-laws, officers, and credit committee of credit unions.

Amend said bill by striking out section 3 of said bill and inserting in place thereof the following:

3. *Appointive Officer.* Amend RSA 394 by inserting after section 25 the following new sections: 394:25-a. *Loan Officer.* When so provided by the by-laws the board of directors may, with the approval of the credit committee, appoint and may provide for the compensation of a loan officer to act under the supervision of the credit committee and such loan officer, when so appointed and when authorized by the credit committee, may make such loans as the credit committee shall have prescribed without the necessity for a meeting, or approval by any member of the credit committee. However, such loan officer shall not disapprove of any loan application. Any loan application rejected by the loan officer shall be referred to the credit committee for action. All loans made by the loan officer shall be approved by at least two-thirds of the credit committee within thirty-one days following approval by the loan officer.

349:25-b. *Acceptance of Provisions.* A credit union may amend its by-laws to provide for the appointment of a loan officer, as provided by RSA 394:25-a, at a special meeting of the members of the union in the same manner as provided for amending by-laws at an annual meeting.

On motion of Senator Rogers, the reading of the report of the Committee of Conference was dispensed with.

Senator Lamontagne:

"Mr. President, the only thing that this amendment does is that the board of director of the credit union, it gives them a chance to control the loan officer. The other provision, which



is on the bottom, says the credit unions may amend their by-laws. The bank commissioner approves of it.”

At the request of Senator Rogers, the Clerk read the section pertaining to by-laws.

On motion of Senator Lamontagne, the Senate voted to adopt the amendment sent up from the House of Representatives.

### House Message

The House has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House asks the concurrence of the Honorable Senate:

SB 212, An Act relative to equalization of taxes of the wards of cities.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Equalized Valuation, in Wards.* During the year 1958 the state tax commission shall determine the equalized valuation of the property in the several wards of the cities of this state in the same manner as provided by paragraph V of RSA 71:11, as amended by 1957, 102:1, and such information shall be furnished as soon as available to the committee of the senate heretofore chosen to study the problem of re-districting the senatorial districts of the state.

2. *Appropriation.* The governor and council are hereby authorized to draw their warrant to cover the necessary expenses hereof from any money in the treasury not otherwise appropriated.

3. *Takes Effect.* This act shall take effect sixty days after its passage.

Senator Humphreys:

“This bill went to two committees in the House. One committee provided for a \$3,000 appropriation for the tax commissioner to gather the necessary information as to the equalized valuation of wards. The Appropriations Committee cut it to \$1,500. The rest is the same as we passed it.”

On motion of Senator Humphreys, the Senate voted to adopt the amendments sent up from the House of Representatives.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

HB 399, An Act to authorize the employment of an additional assistant attorney general and clerical assistance for the law department. Report of the Finance Committee (Senator Caron): Ought to pass, with amendment.

Amend said bill by striking out the title thereof and inserting in place thereof the following:

An Act relative to the employment of an additional assistant attorney general and clerical assistance for the law department; relative to daily wages of inmates at the state and destruction of certain unnecessary state papers.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Clerical Assistants.* In addition to clerical assistants authorized for the office of the attorney general, the attorney general may employ one legal stenographer II.

Further amend said bill by striking out sections 4 and 5 and inserting in place thereof the following:

4. *Appropriation.* In addition to any appropriations made for the office of the attorney general there are hereby appropriated the following sums: For the fiscal year ending June 30, 1958, for personal services, the sum of \$11,428 and for current expenses and equipment the sum of \$2,000; for the fiscal year ending June 30, 1959, for personal services, the sum of \$11,848 and for current expenses and equipment the sum of \$2,500. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5. *State Prison.* The sum of \$3,000 is hereby appropriated for the use of the state prison trustees to increase by five cents per day the wages paid to inmates at the state prison. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not other wise appropriated.

6. *Duties of Comptroller.* Amend RSA 8:6 by striking out the same and inserting in place thereof the following:

8:6. *Disposal of Papers.* Notwithstanding any other provision of law, the comptroller upon the recommendation and with the approval of the department head may be authorized to destroy from time to time, any records, reports or miscellaneous papers relating to the operation of said state departments which, in the opinion of the department head and the comptroller are no longer of any value to the department or to the state. The provisions of this section shall not apply to the division of vital statistics in the department of health, nor to the office of the attorney general.

7. *Takes Effect.* This act shall take effect as of July 1, 1957.

Senator Merrill:

"Mr. President, this bill provides for an assistant attorney general and one legal stenographer II, and sets up the appropriation for the two year biennium. It also provides some \$3,000 for increase of 5c per day for inmates at the state prison. The third section has to do with the disposition of old records that have no value, providing that the head of the department, with the approval of the comptroller, may destroy any records or reports from time to time that have no value. Does not apply to vital statistics, health department, or attorney general."

Senator Merrill moved that the reading of the amendment be dispensed with.

Senator Bennett stated that he would object to that and requested that the Clerk to read the bill, which he did.

Senator Cleveland:

"Mr. President, I am not going to make a major scrap out of this, but wish to be recorded as follows: I am opposed to this assistant attorney general. It is a waste of money and the attorney general does not need him. Many of the assistant attorney generals that they have now are conducting and carrying on a private practice in addition to their work, and I don't think there is any demonstrated need for this extra assistant attorney general. The pay that we have recently assigned to this job is above the average earnings of the attorneys (\$8,500). I think this is a wasteful and totally unnecessary extra job. Another thing, I would like to say that

this is deplorable. This bill came into the House some time in April. The House Appropriations Committee was not crazy about this anyway. The House tossed it over to us yesterday and could not even hold a hearing on it. I think this is all I have to say. I am speaking as an individual. But I do know that there are many attorneys who feel as I do relative to their carrying on their private practice and competing with other attorneys."

Senator Merrill:

"Mr. President, just a word of explanation on the part of the committee. The attorney general appeared in favor of the bill and indicated the need due partly to the 155 land damage cases now pending at the present time. There are a sufficient number to make them feel that an additional assistant attorney general would be a saving of money to the state. I believe that the Bar Association are presently conducting a school for its members on how to get more land damage awards from the state. We have no objection to the attorneys trying to get as much money for their clients as possible. This particular situation, it appears to him, might continue for the next 5 years. Perhaps at that time, the staff may be reduced."

Senator Bennett inquired of Senator Merrill:

"During the course of the attorney general's remarks at the hearing, did he indicate that this new man would be specifically hired to do this work and presumably is not going to do any other work?"

Senator Merrill:

"This man will be for this particular type of work, or may be I had better not commit myself on that question."

Senator Cleveland:

"The only thing I can say is this — any doubts that I had before, have now been dispelled. If the attorney general convinced the Senate Finance Committee that for that salary he is going to be able to get a specialist in that field. I believe what he really wants in there is to get an attorney to caddy for him on the golf course and to carry his brief case on his trips down to Washington. That is a real joke."

Senator Packard spoke in favor of the bill granting the request of the attorney general.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

Senator Cleveland desired to be recorded as voting No on this bill.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 399, An Act to authorize the employment of an additional assistant attorney general and clerical assistance for the law department.

### **House Message**

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

HB 35, An Act legalizing the school district meeting held on March 11, 1957, in the town of Hollis.

HB 53, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

### **Introduction, First and Second Reading of House Bills**

HB 35 to the Committee on Education.

HB 53 to the Joint Committee on Resources, Recreation and Development and Finance.

On motion of Senator Holmes, the order whereby the above entitled bill was referred to the Committee on Education was vacated.

On further motion of the same Senator, the rules of the Senate were so far suspended as to dispense with public hearing.

Senator Holmes stated that this was a routine bill. The reason for the lateness was due to an error in the thinking that the meeting had been legal, but upon its being questioned by the bonding company, it had to be legalized..

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 35, An Act legalizing the school district meeting held on March 11, 1957, in the town of Hollis.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills:

HB 269, An Act relative to motor vehicle road tolls and to maintenance allotment by state for class IV and V highways.

HB 291, An Act providing for salaries of classified state employees and salaries of unclassified state officials.

HB 436, An Act relative to marriage of epileptic persons.

HB 444, An Act relative to a study of procedures for making up checklists.

SB 115, An Act to provide for the co-ordination of mutual aid in protection against fires.

SB 147, An Act relative to the employment of children.

SB 162, An Act relative to the salaries of deputy registers of probate.

SB 163, An Act relating to the salaries of deputy registers of probate.

SB 203, An Act relative to appeals from assessment of damages for highway layouts and special provisions for appeal in cases of Frederick C. and Avis G. Pearson and Festus S. and Valeda Thornton.

HB 133, An Act to provide for the registration of private nursery schools and kindergartens.

HB 359, An Act defining agricultural farming and farm under the motor vehicle laws.

HB 406, An Act to establish the New Hampshire Distributing Agency.

SB 57, An Act providing for hearing in case of failure to re-nominate or re-elect a teacher.

SB 101, An Act relative to jurisdiction of the forestry and recreation commission over certain islands in great ponds.

HB 449, An Act relative to agreements between towns in connection with federal or interstate flood control projects.

HB 451, An Act relating to the salaries of the board of supervisors of the city of Laconia, and to the issuance of bonds in said city.

SB 140, An Act establishing the Berlin Airport Authority.

SB 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank, and relative to legal investments for savings banks.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

### House Message

The House of Representatives has adopted the following Concurrent Resolution, in the adoption of which it asks the concurrence of the Honorable Senate:

*Be It Resolved*, by the House of Representatives, the Senate concurring, that the following joint rule is hereby adopted effective December 27, 1958.

13. *Effective Date of Bills.* All Senate and House bills, except laws solely appropriating money for ordinary or capital expenses of state departments or institutions, shall provide an effective date of sixty calendar days after the date of their enactment and no standing or special committee shall amend the effective date. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment, may provide for a bill to become effective on passage or on a specific date.

On motion of Senator Lamontagne, consideration of the above Concurrent Resolution was made a Special Order of Business for tomorrow morning at 11:01 o'clock.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

HB 297, An Act relative to conveyance of land to the town

of Nottingham. Report of the Committee on Resources, Recreation and Development (Senator Horner): Ought to pass with amendment.

Amend the resolving clause of said bill by inserting after the word "land" in line 2, the word, dams, so that said resolving clause as amended shall read as follows:

*Whereas*, on December 28, 1955, the New Hampshire Electric Company conveyed certain land, dams and other property in Nottingham, to the state of New Hampshire by quitclaim deed bearing that date and recorded in Rockingham county registry of deeds on April 2, 1956, volume 1388, pages 433-451; and

Amend section 3 of said bill by striking out the word and figure "January 1" in line 3 of said section and inserting in place thereof the word and figure, September 1, so that said section as amended shall read as follows:

3. *Report.* The planning and development commission shall submit recommendations and plans for the use and disposition of this land to the governor and council prior to September 1, 1958.

Amend said bill by striking out section 6 and inserting in place thereof the following:

6. *Disposition of Funds.* Any monies received from the sale or lease of lands shall be disposed of in the following order: (1) to repay any monies spent at the direction of the governor and council in preparing said land for lease or sale; (2) to be paid to the state treasury and be held in escrow for the exclusive use of the Water Resources Board for repairs and maintenance of said dams, provided, however, that the Water Resources Board shall not spend a sum greater than 50 thousand dollars on the repair and maintenance of said dams within the current biennium; (3) the balance of any funds so derived and held by the treasurer shall be reported to the 1959 legislature.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

Senator Bennett spoke at length, explaining the bill and the amendment.

Senator Packard presiding.

(Discussion ensued)



The Chair declared a short recess.

(Recess)

The Senate re-assembled.

On motion of Senator Bennett, further consideration of the above entitled bill was made a Special Order of Business for tomorrow morning at 11:02 o'clock.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

SB 143, An Act to increase the governor's salary. Report of the Committee on Finance (Senator Caron): Ought to pass with amendment.

Amend said bill by striking out the title and inserting in place thereof the following:

An Act relative to appropriation for registers of probate and additional legislative expenses and appropriations.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Registers of Probate.* There are hereby appropriated the sum of \$9,010 for the fiscal year ending June 30, 1958 and the sum of \$9,490 for the fiscal year ending June 30, 1959 to be expended for the increases in salary provided by acts of this session of the legislature for registers of probate and deputy registers of probate. Said sums shall be a charge on the general funds.

2. *Special Authorization.* The office of the secretary of state is hereby allowed the sum of \$7,200 for the employment of Benjamin F. Greer, clerk of the senate, during the period from August 12, 1957 to December 31, 1958, at the rate of \$173.08 bi-weekly; said Benjamin F. Greer to perform such duties as the secretary of state may assign to him. The services of said Benjamin F. Greer shall be available to the legislative council and to all interim committees and commissions set up by this legislature. The above-mentioned sum shall be a charge upon the legislative appropriation.

3. *Legislative Work.* In accordance with the provisions

of RSA 14:38 the following sums are allowed to the employees of the office of the attorney general for overtime legislative work: Natalie Douillette, \$52.50; Myrtle Donohue, \$80.00; Mildred Whittey, \$279.49; Marjorie Greene, \$296.25 and Marion G. Alexander \$665.00; said sums to be a charge upon the legislative appropriation. The sum of \$288.32 is hereby allowed Mary Parsons for overtime legislative work, said sum to be a charge upon the legislative appropriation. The sum of \$3,000 is hereby allowed Maurice Murphy as senate legislative counsel, said sum to be a charge upon the legislative appropriation.

4. *Change in Date.* Amend 1957, 156:2 by striking out said section and inserting in place thereof the following:

156:2. *Takes Effect.* This act shall take effect as of January 1, 1957.

5. *Additional Appropriations.* In order to meet the requirements for retirement and OASI payments due to the salary increases for state officials and employees the following sums are hereby appropriated:

I. For the fiscal year ending June 30, 1958

Retirement contributions	\$32,000
OASI contributions	22,500

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\$54,500

For the fiscal year ending June 30, 1959

Retirement contributions	\$40,000
OASI contributions	32,250

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\$72,250

The above appropriations shall be a charge against the general funds of the state:

II. For the fiscal year ending June 30, 1958

Retirement contributions	\$37,370
OASI contributions	20,000

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\$57,370

For the fiscal year ending June 30, 1959

Retirement contributions	\$40,890
OASI contributions	30,000

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\$70,890

The appropriations in this paragraph shall be a charge against the special funds.

6. *Special Study.* The sum of three hundred dollars is hereby appropriated to be expended by the Special Committee authorized to study redistricting of senatorial districts. The said appropriation shall be a charge upon the legislative appropriation.

7. *State Entomologist.* The sum of \$522 is hereby appropriated for the fiscal year ending June 30, 1958 and a like sum for the fiscal year ending June 30, 1959 for the department of agriculture for a salary increase for the state entomologist.

8. *Legislative Budget Assistant.* Amend section 10 of the act making appropriations for the fiscal year ending June 30, 1958 by striking out the words "and the salaries thus established shall be maintained at the levels arrived at throughout the period from July 1, 1957 to June 30, 1959."

9. *Takes Effect.* The provisions of section 4 of this act shall take effect as therein provided, the remaining provisions shall take effect as of July 1, 1957.

On motion of Senator Merrill, the reading of the amendments was dispensed with.

Senator Merrill then proceeded to read each item in the amendment and explain its purpose.

On further motion of Senator Merrill, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On further motion of the same Senator, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of Senate Bill**

SB 143, An Act relative to the appropriation for registers of probate and additional legislative expenses and appropriations.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

SB 202, An Act relative to adequate planning for a mental health program and an appropriation for the construction of a building for defective delinquents. Report of the Committee on Finance (Senator Caron): Ought to pass with amendment.

Amend said bill by striking out the title thereof and substituting the following new titles: An Act relative to a study as to the feasibility of constructing a building for defective delinquents to serve three states.

Further amend said bill by striking out all after the enacting clause and substituting therefore the following:

An interstate cooperation commission is hereby authorized and directed, working in conjunction with their counterparts from the states of Maine and Vermont, to study the feasibility of erecting and staffing on a tri-state basis facilities for the housing of defective delinquents.

This act shall take effect on its passage.

Senator Merrill, "this bill, as you may recall, had to do first with a study of the mental health situation in New Hampshire and construction of a building for defective delinquents based upon whatever study came out of it. The study has been taken care of in another bill. The sponsor of this bill has suggested we consider the matter in conjunction with three other states."

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### Third Reading of Senate Bill

The following entitled bill was read a third time, and passed:

SB 202, An Act relative to a study as to the feasibility of constructing a building for defective delinquents to serve three states.

### House Message

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following joint resolution, with amendment, in the passage of which amend-

ment the House of Representatives asks the concurrence of the Honorable Senate:

SJR 9, Joint Resolution relative to a study of water supplies in the seacoast region of the state.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the legislative council is hereby directed to make a study of existing water systems and future developments in the seacoast region of the state embracing all towns in the area and the cities of Portsmouth, Dover and Somersworth. Said council shall present to the legislature of 1959 its recommendations in the form of proposed legislation for the establishment of a regional or interregional district or commission with proportional representation from the interested cities and towns, which district or commission shall have authority to control future metropolitan, area or inter-municipal water supplies or systems to the end that cities and towns in the seacoast area shall be supplied with an adequate water supply for present and foreseeable future needs for the development of said area. There is hereby constituted an interim Seacoast Water Commission to consist of the chairman of the Water Resources Board and one representative from each city, town and water district in the seacoast area, and one representative from the University of New Hampshire, to be appointed by the governor with the advice and consent of the council, and each member to serve for two years and until his successor is appointed and qualified. The commission shall have, with respect to the seacoast area, the power and rights to represent the interests of the cities, towns and water districts in the seacoast area and of the University of New Hampshire, in connection with any future metropolitan area and inter-municipal water supplies and systems.

On motion of Senator Karkavelas, the Senate voted to concur in the adoption of the amendments sent up from the House.

On motion of Senator Caron, the Senate went into afternoon session.

### **Afternoon Session**

On motion of Senator Paquette, the Senate adjourned at 5:50 P. M. to meet tomorrow morning at 11:00 o'clock.

FRIDAY, AUGUST 2, 1957

The Senate met at 11:00 o'clock.

### House Message

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

SB 194, An Act relative to political expenditures and contributions.

SB 166, An Act relating to the board of approval for bonds of state employees and officials.

The message further stated that the House of Representatives refuses to concur in the passage of the following entitled bill, and has voted to refer same to the Judicial Council.

SB 169, An Act relative to arbitration for firemen and teachers in the city of Manchester.

### Special Order of Business — 11:01 O'Clock

Senator Lamontagne called for the Special Order of Business.

Question being on the adoption of the concurrent resolution passed by the House, relative to Joint Rule 13.

*Be It Resolved*, by the House of Representatives, by Senate concurring, that the following joint rule is hereby adopted effective December 27, 1958.

13. *Effective Date of Bills.* All Senate and House bills, except laws solely appropriating money for ordinary or capital expenses of state departments or institutions, shall provide an effective date of sixty calendar days after the date of their enactment and no standing or special committee shall amend the effective date. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment may provide for a bill to become effective on passage or on a specific date.

On motion of Senator Lamontagne, the Senate voted to adopt the above concurrent resolution.

On motion of Senator Cleveland, the rules of the Senate

were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

Concurrent Resolution relating to a change in Joint Rule 14 relating to a Committee of Conference. Report of the Committee on Rules (Senator Lamontagne): Ought to pass.

Resolution that the following joint rule be adopted relating to a change in the joint rules relating to a Committee of Conference:

14. Whenever a Committee of Conference is requested by either branch and such request is acceded to by the other, the President of the Senate shall appoint two members of the Senate and the Speaker of the House shall appoint three members of the House to serve on such committee. The first named member of the branch making a request for the Committee of Conference shall be chairman of the committee. The report of the Committee of Conference shall be signed by each member of the committee.

Senator Cleveland:

“Mr. President, this is a unanimous report of the Rules Committee. It is a very innocuous rule. Simply that the first person named by the branch asking for the Committee of Conference is automatically the Chairman of the Committee of Conference.”

On motion of Senator Cleveland, the Senate voted to adopt the above concurrent resolution.

The Chair declared a 15 minute recess.

(Recess)

The Senate re-assembled.

### Resolution

Senator Anderson offered the following resolution:

*Whereas*, we have learned that today, August 2, 1957, is the birthday of our Senate Recorder, Mrs. Esther T. Hurd; and

*Whereas*, she has faithfully and cheerfully served the Honorable Senate for six sessions; now therefore be it

*Resolved*, that we, the members of the Senate, extend our

hearty congratulations and warm wishes for continued good health and high spirit, with the hope that she may serve at many more sessions; and be it further

*Resolved*, that the Clerk transmit a copy of these resolutions to Mrs. Hurd.

The Senate adopted the above resolution by a rising vote.

### House Message

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 143, An Act relative to appropriation for registers of probate and additional legislative expenses and appropriations.

Amend said bill by striking out section 3 and inserting in place thereof the following:

3. The sum of three thousand one hundred dollars is hereby allowed Maurice J. Murphy as senate legislative counsel; the sum of three hundred dollars is allowed to George Ray, clerk of the house, in addition to his regular salary as such clerk; sums allowable for overtime for employees of the department of attorney general pursuant to RSA 14:38 as authorized by the house appropriations committee are hereby approved, said sums to be a charge on the legislative appropriation.

On motion of Senator Cleveland, the Senate voted to concur in the adoption of the amendment sent up from the House of Representatives.

The Chair declared a 10 minute recess.

(Recess)

The Senate re-assembled.

### House Message

The House of Representatives has voted to non-concur with the Honorable Senate in the passage of the following entitled bill with amendment, and asks for a Committee of Conference:

HB 399, An Act relative to the employment of an additional assistant attorney general and clerical assistance for the



law department; relative to daily wages of inmates at the state prison, and destruction of certain unnecessary state papers.

The Speaker has appointed as members of such committee on the part of the House, Messrs. Walker of Concord, Rowell of Newport, and Belcourt of Nashua.

On motion of Senator Cleveland, the Senate voted to accede to the request of the House for the appointment of a Committee of Conference on the above entitled bill.

Pursuant to the above, the Chair has appointed as members of such committee on the part of the Senate, Senators Rainie and Packard.

The Chair declared a recess of 30 minutes.

(Recess)

The Senate re-assembled.

### House Message

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

SB 19, An Act relating to transporter registration.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. *Transporter Registration.* Amend RSA 260 by inserting after section 74 the following new sections:

260:75 *Application.* A transporter may make application to the commissioner for a general distinguishing number for transporter registration, upon blanks furnished by him for that purpose. The application shall contain, in addition to such other particulars as may be required by the commissioner, a statement of the name, residence and street address of the applicant with a brief description of his place of business. Such application shall contain the words, "This application is signed under the penalty of perjury." The proper fee shall be deposited before the application is granted.

260:76. *Registration.* The commissioner may, if he is satisfied of the facts stated in such application, grant the same

and issue to the applicant a certificate of registration containing the name, residence, and address of such applicant and the general distinguishing number assigned and such other provisions as the commissioner may determine.

260:77. *Fee.* The fee for transporter registration shall be thirty-five dollars annually and all such registration shall expire at midnight March thirty-first of each year. The holder of a transporter registration may obtain one additional set of number plates by depositing fifteen dollars with the commissioner.

260:78. *Plates.* The commissioner shall at the time of issuing a certificate to such transporter, furnish him with number plates of such material and design as the commissioner may prescribe.

260:79. *Use of Motor Vehicles; Trailers, Semi-Trailers, and Tractors.* A transporter's registration may be used to transport and deliver a motor vehicle, trailer, semi-trailer or tractor owned by another person and when such transporter's registration is displayed thereon such motor vehicle, trailer, semi-trailer or tractor shall be deemed to be properly registered under the provisions of this title in the name of the transporter holding such registration. A transporter may use his own motor vehicle, trailer, semi-trailer or tractor registered under his transporter's registration for service in connection with his business, but he shall not use or permit to be used his transporter's registration in the transportation of merchandise or freight for himself or any other person.

260:80. *Use of Plates.* A transporter shall not loan number plates which have been assigned to him under these provisions to any other "person" as defined in RSA 259:1, paragraph XXII.

260:81. *Limitation.* Any transporter having more than one place of business shall secure a separate certificate of registration for each place of business.

260:82. *Suspension of Transporter Registration.* Authority is hereby invested in the commissioner to suspend such registration for such period of time as the commissioner may determine providing he is satisfied the registration has been misused by the holder thereof and such registration shall

not be restored until the commissioner is satisfied there will be no further misuse of said registration.

On motion of Senator Packard, the Senate voted to concur in the adoption of the amendment from the House.

The Chair declared a short recess.

(Recess)

The Senate re-assembled.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

HB 57 (in new draft and with new title), An Act relating to motor vehicle fees and municipal permits. Report of the Committee on Transportation (Senator DeLude): Ought to pass with the following amendment:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

207:35. *Injuring Property.* No person shall tear down, damage or destroy any property, any lock, boat or dock, any fence or wall, or leave open any gate or bars, or trample or destroy any crop, on land of another person or waters of the state without permission of the owner.

207:36. *Injuring Property.* No person shall tear down, damage or destroy any property, any lock, boat or dock, any fence or wall, or leave open any gate or bars, or trample or destroy any crop, on land of another person or waters of the state without permission of the owner.

2. *Takes Effect.* This act shall take effect sixty days after its passage.

Further amend the bill by striking out the title thereof and inserting in place thereof, the following:

An Act relative to injuries to property.

The Chair rules that inasmuch as the above entitled bill was in new draft and with new title, it should be treated as a new bill and read a first and second time and laid upon the table to be printed, and referred.

### **Introduction, First and Second Reading of House Bill**

HB 57 to the Committee on Judiciary.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and

found correctly engrossed the following entitled House and Senate bills and House joint resolutions:

House Bill No. 165, An Act to provide state aid for nursing education.

HB 448, An Act making appropriations for the expenses of the Department of Public Works and Highways for the year ending June 30, 1959, and providing funds for highway improvements.

SB 213, An Act relative to registration of voters in the city of Portsmouth.

HJR 34, Joint Resolution in favor of the Franconia Ski Club.

HJR 38, Joint Resolution relative to a study of the pollution problem of the Great Bay Water Shed.

HB 49, An Act relating to committals to Laconia State School and relative to the state dental board.

HB 83, An Act relative to misrepresentation by minor for the purpose of purchase of liquor or beverages.

HB 124, An Act relative to motor vehicle driver training.

HB 331, An Act relative to powers of mayor and aldermen over finance commission in the city of Manchester.

HB 376, An Act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

HB 384, An Act relating to taxation in Pittsburg and Clarksville.

HB 447, An Act making appropriations for the expenses of the Department of Public Works and Highways for the year ending June 30, 1958, and providing funds for highway improvements.

NELLE L. HOLMES,  
*For the Committee.*

The report was accepted.

### **Introduction of Guests**

The President welcomed the following guest to the floor of the Senate:

As the guest of Senator Karkavelas, the Honorable James Chamberlain, Selectman of Durham.

### **House Message**

The House of Representatives has voted to adopt the re-

port of the Committee of Conference on House Bill No. 399, An Act relative to the employment of an additional assistant attorney general and clerical assistance for the law department; relative to daily wages of inmates at the state prison and destruction of certain unnecessary state papers.

The Committee of Conference, to whom was referred HB 399, An Act relative to the employment of an additional assistant attorney general and clerical assistance for the law department; relative to daily wages of inmates at the state prison and destruction of certain unnecessary state papers, having considered the same, report the same with the following recommendation: That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment, and further recommends that the Senate and House concur in the adoption of the following amendment to the bill:

Amend said bill by striking out section 6.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the employment of an additional attorney general and clerical assistance for the law department; relative to daily wages of inmates at the state prison.

HERBERT W. RAINIE,  
NORMAN A. PACKARD,

*Conferees on the Part of the Senate.*

SHELBY O. WALKER,  
AGENOR BELCOURT,  
JESS ROWELL,

*Conferees on the Part of the House.*

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred HB 399, An Act relative to the employment of an additional assistant attorney general and clerical assistance for the law department; relative to daily wages of inmates at the state prison and destruction of certain unnecessary state papers, having considered the same, report the same with the following recommendation: That the House recede from its position of non-concurrence and concur with the Senate amendments for sections 3, 4 and 5 of the bill, that the Senate recede from

its position in adopting section 6, and further recommend that the Senate and House concur in the adoption of the following amendments to the bill:

Amend said bill by adding after section 5 the following new section:

6. *Takes Effect.* This act shall take effect as of July 1, 1957.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the employment of an additional attorney general and clerical assistance for the law department; relative to daily wages of inmates at the state prison.

HERBERT W. RAINIE,  
NORMAN A. PACKARD,

*Conferees on the Part of the Senate.*

SHELBY O. WALKER,  
AGENOR BELCOURT,  
JESS ROWELL,

*Conferees on the Part of the House.*

Senator Rainie:

"Mr. President, this report merely strikes the provision whereby the comptroller may destroy documents, which was thought not to be wise. They felt that this provision should be eliminated and it has been done."

On motion of Senator Rainie, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

On motion of Senator Cleveland the rules of the Senate were so far suspended as to vacate the order whereby HB 57 (in new draft and with new title) was laid upon the table to be printed and referred to the Committee on Judiciary was vacated and the bill was taken up for action at the present time.

The bill being on its second reading was open to amendment, and Senator Cleveland offered the following amendment:

Senator Cleveland:

"This simply adds to the language already in the statutes. All it does is add the words, locks, boats or docks. It strikes out the restriction of fish and game wardens."

Senator Bennett:

"This rings a familiar bell somehow. The bill was reported out from the Fish and Game Committee in the Senate as inexpedient. The committee felt that the Fish and Game wardens should not be enforcing property laws, out of season."

At the request of Senator Rhodes, the President declared a one minute recess.

(Recess)

The Senate re-assembled.

Senator O'Brien:

"I want to apologize to the Senate for causing any misunderstanding here. This bill had its origin in my District and was recommended by every Fish and Game warden in my District. Their feelings are that people who have a real investment of money in boats are entitled to this protection which the Fish and Game wardens can give. There has been some vandalism in connection with these expensive boats. The Fish and Game wardens are well aware of what is going on, but they are absolutely helpless. The State Police being the only people who can do anything about this situation. I brought this information down to the Fish and Game and it met with their serious endorsement. I discussed it with the Fish and Game Committee. We could not come to any agreement and the bill was never reported out. I have been quite concerned about this situation in my District. I talked the matter over again with the Fish and Game and they are very definitely in favor and that is why it was introduced this morning."

Senator Rhodes:

"The Fish and Game Committee were divided on this. At the request of the sponsor, we did not report it in. I think it is a good bill and that we should have it."

Senator Rainie:

"I think we should face the facts. In effect, this bill gives to the Fish and Game wardens the same authority as to the State Police. I have no quarrel about that. But let it be done at the right time and in the right way. I call this poor legislation. It puts into one chapter what may be done in three or four chapters. It has been brought in at the last minute and

we are being asked to approve it. I think and hope this motion will not prevail."

Senator Lamontagne and Senator Packard spoke in favor of the motion.

Senator Cleveland moved the previous question, seconded by Senator Packard.

Question being, Shall the main question now be put?

Question being on the adoption of the amendment offered by Senator Cleveland.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Ten Senators having voted in the affirmative, and four Senators having voted in the negative, the amendment was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Lamontagne, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 57, An Act relative to injuries to property.

### **House Message**

The House has voted to adopt the report of the Committee of Conference on the following entitled bill:

The Committee of Conference, to whom was referred Senate Bill No. 159, An Act creating an interim commission for the purpose of redistricting ward lines, allocating ward polling places and recommending lines for an additional ward for the city of Manchester, having considered the same, reported the same with the following recommendations:

That the House recede from its position in adopting its amendment as to section 3 of the bill, that the Senate recede from its position of non-concurrence and concur in the adoption of the following amendment to section 3:

Amend section 3 by striking out the words and figures



“twenty-five hundred dollars (\$2500.)” in the second line and inserting in place thereof the words and figures, five hundred dollars (\$500.) so that said section as amended shall read as follows:

3. *Appropriation.* There shall be appropriated from the general funds of the city of Manchester the sum of five hundred dollars (\$500.) or so much thereof as may be necessary for technical assistance and the actual expenses of the commission which shall be spent under the authority of the full commission.

NORMAN A. PACKARD,  
PAUL E. PROVOST,

*Conferees on the Part of the Senate.*

JOSEPH GEISEL,  
GRETA M. AINLEY,  
WM. H. CRAIG,

*Conferees on the Part of the House.*

On motion of Senator Packard, the Senate voted to adopt the report of the Committee of Conference report on the above entitled bill.

### **Committee Report**

HB 381, An Act relative to the operation of motor vehicles, operation of motor vehicles by juveniles, and for the registration of motorcycles by manufacturers and dealers. Report of the Committee on Engrossed Bills (Senator Holmes): Report the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass:

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Minors.* Amend RSA 260:8-a as inserted by 1957, 214:3 by inserting after the word “minor” in the third line the words, under the age of eighteen years, so that said section as amended shall read as follows: 214:3. *Special Requirements.* No minor under the age of eighteen years shall be issued a driving license or registration of a minor vehicle unless the person or persons legally liable for his support and care give written permission for the issuance of such license or registration, or insurance coverage is presented at the time of application.

On motion of Senator Cleveland, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills to the above entitled bill.

**Special Order of Business — 11:01 O’Clock**

Senator Bennett called for the Special Order of Business. Question being on the adoption of the amendment offered by the Committee on Resources, Recreation and Development, to HB 297, An Act relative to conveyance of land to the town of Nottingham.

Senator Bennett explained the amendment in detail.

On motion of Senator Bennett the Senate voted to adopt the committee amendment to the original committee.

Amend the resolving clause of said bill by inserting after the word “land” in line 2, the word, dams, so that said resolving clause as amended shall read as follows:

*Whereas*, on December 28, 1955, the New Hampshire Electric Company conveyed certain land, dams and other property in Nottingham, to the state of New Hampshire by quit-claim deed bearing that date and recorded in Rockingham county registry of deeds on April 2, 1956, volume 1388, pages 433-451; and

Amend section 3 of said bill by striking out the word and figure “January 1” in line 3 of said section and inserting in place thereof the word and figure, September 1, so that said section as amended shall read as follows:

3. *Report.* The planning and development commission shall submit recommendations and plans for the use and disposition of this land to the governor and council prior to September 1, 1958.

Amend said bill by striking out section 6 and inserting in place thereof the following:

6. *Disposition of Funds.* Any monies received from the sale or lease of lands shall be disposed of in the following order: (1) to repay any monies spent at the direction of the governor and council in preparing said land for lease or sale; (2) to be paid to the state treasury and be held in escrow for the exclusive use of the Water Resources Board for repairs and maintenance of said dams, provided, however, that the

Water Resources Board shall not spend a sum greater than fifty thousand dollars on the repair and maintenance of said dams within the current biennium; (3) the balance shall be held by the State Treasurer in a special non-lapsing fund to be used by the New Hampshire Water Resources Board in making repairs and for maintenance of the dams and appurtenances of the Pawtuckaway Lake and Mendums Pond Projects.

Amend said bill by striking out the title thereof and inserting in place thereof the following:

An Act relative to survey by the Planning and Development Commission of certain state lands in the town of Nottingham.

On a *viva voce* vote, the bill as amended was ordered to a third read this afternoon at 2:00 o'clock.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### Third Reading of House Bill

The following entitled bill was read a third time, and passed:

HB 297, An Act relative to survey by the Planning and Development Commission of certain state lands in the town of Nottingham.

The President declared a short recess.

(Recess)

The Senate re-assembled.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of 2 committee reports, not previously advertised in the Journal.

HB 65, An Act for county cooperative extension work in agriculture and home economic. Report of the Committee on Finance (Senator Merrill): Ought to pass with amendment.

Amend section 2 of the bill by striking out the words, for the fiscal year ending June 30, 1958, so that said section as amended shall read as follows:

2. *Appropriation.* In addition to the annual appropriations provided in the appropriation acts for county extension work under RSA 187:23 there is hereby appropriated for the

same purposes the sum of twenty thousand four hundred dollars, for the fiscal year ending June 30, 1959.

Amend section 3 of the bill by striking out and inserting in place thereof the following:

3. *Takes Effect.* This act shall take effect as of July 1, 1958.

On motion of Senator Merrill, the reading of the amendment was dispensed with.

On a *viva voce* vote, the amendment was adopted.

On this motion, Senator O'Brien requested a division.

Thirteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the amendment was adopted.

Question being, Shall the bill be ordered to a third reading and on this motion, Senator O'Brien requested a division.

Fourteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bills were read a third time, and passed.

HB 65, An Act for county cooperative extension work in agriculture and home economics.

HB 344, An Act relative to the compensation of legislative attaches. Report of the Committee on Finance (Senator Caron): Ought to pass.

Senator Merrill explained the bill in detail.

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

**Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 344, An Act relative to the compensation of legislative attaches.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

HB 53, An Act providing for state participation in water pollution control costs through financial aid to municipalities. Report of the Joint Committee on Resources, Recreation and Development and Finance (Senator Bennett): Ought to pass with amendment.

Amend said bill by striking out section 3 and inserting in place thereof the following resolution:

*Whereas*, the Senate Joint Committee on Resources, Recreation and Development and Finance has carefully reviewed the merits of House Bill No. 53, An Act providing for state participation in water pollution control costs through financial aid to municipalities, and

*Whereas*, said joint committee approves of the principle and purpose of said bill, and

*Whereas*, said committee recognizes the desirability and need of such legislation, and

*Whereas*, this bill was reported to the Senate on August 1, 1957, by the House of Representatives without provision for the necessary funds to implement said legislation, and

*Whereas*, said committee has been informed that there are no funds now available to implement such legislation, and

*Whereas*, the Honorable Senate is constitutionally limited in amending such bill to provide such revenue if the Honorable Senate so desired, now therefore be it

*Resolved*, by the Honorable Senate that House Bill No. 53 be returned to the House of Representatives to appropriate the necessary funds to implement the aforementioned legislation.

Further amend said bill by striking out section 4 and inserting in place thereof the following:

4. *Takes Effect.* This act shall take effect sixty days after its passage.

On motion of Senator Bennett, the reading of the amendment was dispensed with.

Senator Bennett explained the amendment.

Senator Karkavelas and Senator Humphreys spoke in support of the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Bennett, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 53, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

### **Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled Senate and House bills and captioned House and Senate joint resolutions:

SB 166, An Act relating to the board of approval for bonds of state employees and officials.

SB 191, An Act relative to economic growth survey.

SB 194, An Act relative to political expenditures and contributions.

SB 211, An Act relative to tax exemption for the blind.

SB 212, An Act relative to equalization of taxes in wards of cities.

HJR 20, Joint Resolution for appropriation for carrying out provisions of statute relative to regional agreements for educational facilities for New Hampshire residents.

HJR 45, Joint Resolution relative to a survey of facilities at Echo Lake—Cathedral Ledge State Park in North Conway and surrounding area.

HJR 63, Joint Resolution relating to retired teachers study.

SJR 10, Joint Resolution relative to Mount Washington.

SB 188, An Act relative to the sewerage system in the town of Hampton.

HB 416, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1958.

HB 35, An Act legalizing the school district meeting held on March 11, 1957 in the town of Hollis.

HB 217, An Act relating to school building aid.

HB 362, An Act relative to state aid to school districts.

HB 429, An Act relative to election campaign receipts and expenditures.

SB 205, An Act relative to by-laws, officers, and credit committee of credit unions.

HB 417, An Act making appropriations for the expenses of certain departments of the state for the year ending June 30, 1959.

PAUL H. DANIEL,  
*For the Committee.*

The report was accepted.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred SB 208, An Act relative to abatement for overpayment of income taxes, having considered the same, report the same with the following recommendations:

That the House recede from its position in adopting its amendment, that the Senate recede from its position of non-concurrence and that the following amendment be adopted:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Income Taxes.* Amend RSA 77:25 by striking out said section and inserting in place thereof the following: 77:25. *Application for Abatement.* Upon written application therefor made by a taxpayer within three years from due date of the tax, that an overpayment of the tax was made, the tax commission upon proof thereof may abate the amount of such overpayment. The state treasurer, upon warrant from the commission or the court shall repay the taxpayer the amount of such overpayment. When an overpayment of the tax is refunded the amount thereof shall be withheld from

any future distribution of the tax due to the town or city in which the taxpayer resided.

2. *Question on Inventory Blank.* Amend RSA 77 by adding after section 30 the following new sections: 77:30-a. *Question on Inventory Blank.* The inventory blank referred to in RSA 74:4 shall contain the following question: "Do you or your spouse receive directly or indirectly income from stocks or bonds or from a bank, trust or estate?"

3. *Takes Effect.* This act shall take effect sixty days after passage.

On motion of Senator Cleveland, the Senate voted to adopt the report of the Committee of Conference on the above entitled bill.

### **Taken from the Table**

Senator DeLude moved that HJR 31, Joint Resolution relating to reconstruction of Fort at Number Four, be taken from the table and spoke in favor of the motion.

Senator Adams, Senator Lamontagne and Senator Packard spoke in support of the motion.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

On a *viva voce* vote, the above joint resolution was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator DeLude, the rules of the Senate were so far suspended as to place the above joint resolution on its third reading and final passage at the present time.

### **Third Reading of House Joint Resolution**

The following House joint resolution was read a third time:

HJR 31, Joint Resolution relating to reconstruction of Fort at Number Four.

On the passage of the joint resolution, Senator Bergeron demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Bennett, Rogers, Cleveland, DeLude, Rhodes, English, Holmes, Packard, Caron, Provost, Daniel, Karkavelas and Adams.



The following named Senators voted in the negative: Hodgdon, Anderson, Paquette, Rainie, Bergeron, Merrill and Humphreys.

Sixteen Senators having voted in the affirmative, and seven Senators having voted in the negative, the affirmative prevailed, and the joint resolution passed.

On motion of Senator DeLude, the Senate refused to reconsider its vote whereby the above House joint resolution passed.

### House Message

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

SB 210, An Act relative to the military staff of the governor.

Amend the title of the bill by striking out all after the word "governor" so that said title as amended shall read as follows:

An Act relative to the military staff of the governor.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. Amend paragraph II of RSA 110-A:7 as inserted by 1957, 147, by striking out the same and inserting in place thereof the following:

II. Officers detailed from the national guard shall retain their existing rank, and shall remain subject to duty as their services may be required by the governor as members of his staff. Officers or enlisted men or former officers of enlisted men appointed from the army, navy, marine corps, coast guard, or air force, or the various military reserve corps, shall be of the rank held or last held by them in these organizations, except that if the rank last held by a former member of the army, marine corps or air force is lower than colonel, such former member shall be commissioned in the rank of colonel; and that if the rank last held by a former member of the navy or coast guard is lower than captain, such former member shall be commissioned in the rank of captain. Except as

provided above, civilians appointed to the military staff of the governor shall be commissioned in the rank of colonel or its naval equivalent, and shall not thereby be exempted from military duties. The twelve aides-de-camp shall hold office during the pleasure and not exceeding the term of office of the governor.

Senator O'Brien moved the Senate concur in the adoption of the amendment sent up from the House of Representatives.

Senator Cleveland, Senator Holmes and Senator Rainie spoke in violent opposition to the motion.

Senator Lamontagne spoke in support of the motion.

Senator Daniel moved the previous question, seconded by Senator Caron.

Question being: Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator O'Brien that the Senate concur in the adoption of the amendment offered by the House to the above entitled bill.

On this motion, Senator Holmes requested a division.

Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Bennett, Rhodes, Paquette, Packard, Caron, Provost, Daniel and Adams.

The following named Senators voted in the negative: Hodgdon, Rogers, Cleveland, DeLude, English, Holmes, Rainie, Bergeron, Karkavelas and Humphreys.

Eleven Senators having voted in the affirmative, and ten Senators having voted in the negative, the President voted in the negative and the motion was lost.

The Senate refused to concur in the adoption of the amendment sent up from the House of Representatives to the above entitled bill.

### House Message

The House has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

HB 65, An Act for county cooperative extension work in agriculture and home economics.

HB 297, An Act relative to survey by the Planning and

Development Commission of certain state lands in the town of Nottingham.

The House has voted to adopt the report of the Committee of Conference on the following entitled bill sent down from the Honorable Senate:

SB 208, An Act relative to abatement for overpayment of income tax.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred SB 208, An Act relative to abatement for overpayment of income taxes, having considered the same, report the same with the following recommendations:

That the House recede from its position in adopting its amendment, that the Senate recede from its position of non-concurrence and that the following amendment be adopted:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Income Taxes.* Amend RSA 77:25 by striking out said section and inserting in place thereof the following: 77:25. *Application for Abatement.* Upon written application therefor made by a taxpayer within three years from due date of the tax, that an overpayment of the tax was made, the tax commission upon proof thereof may abate the amount of such overpayment. The state treasurer, upon warrant from the commission or the court shall repay the taxpayer the amount of such overpayment. When an overpayment of the tax is refunded the amount thereof shall be withheld from any future distribution of the tax due to the town or city in which the taxpayer resided.

2. *Question on Inventory Blank.* Amend RSA 77 by adding after section 30 the following new section: 77:30-a. *Question on Inventory Blank.* The inventory blank referred to in RSA 74:4 shall contain the following question: "Do you or your spouse receive directly or indirectly income from stocks or bonds or from a bank, trust or estate?"

3. *Takes Effect.* This act shall take effect sixty days after passage.

On motion of Senator Adams, the rules of the Senate

were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

House Bill No. 302, An Act relative to the salary of the mayor, aldermen and members of the school committee of the city of Manchester. Report of the Special Committee composed of the Senators from Manchester: Ought to pass with amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Mayor of the City of Manchester.* Amend section 1 of chapter 223 of the Laws of 1883, as amended by chapter 203 of the Laws of 1907 and chapter 280 of the Laws of 1945 by striking out the word "five" in the second line and inserting in place thereof the word, six, so that said section as amended shall read as follows: Section 1. The salary of the mayor of the city of Manchester shall be six thousand dollars per year payable in equal semi-monthly payments. Said salary shall be in full compensation for services performed and personal expenses incurred, either as executive or as member of any board or committee of said city.

2. *Aldermen.* Amend section 1, chapter 220, Laws of 1901, as amended by section 1, chapter 333, Laws of 1917, and section 1, chapter 352, Laws of 1947, by striking out the word "four" in the third line and inserting in place thereof the word, five, so that said section as amended shall read as follows: Sect. 1. Each member of the board of aldermen of the city of Manchester shall be paid the sum of five hundred dollars per year for services, payable quarterly.

3. *School Committee.* Amend section 1, chapter 323, Laws of 1909, as amended by chapter 270, Laws of 1931, by striking out the word "one" in the seventh line and inserting in place thereof the word, two, so that said section as amended shall read as follows: Section 1. At every election hereafter held in said city of Manchester there shall be elected from each ward one member of the board of school committee, who shall hold his office for the term of two years from the first Tuesday of January next following their election. The salary

of each member of said school committee, with the exception of the mayor, shall be two hundred dollars a year.

4. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Adams, the reading of the amendment was dispensed with.

Senator Adams explained the amendment in detail, and urged its adoption.

Senator Daniel spoke in favor of the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Adams, the rules of the Senate were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed.

HB 302, An Act relative to the salary of the mayor, aldermen and members of the school committee of the city of Manchester.

### **House Message**

The House has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference:

HB 53, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

The Speaker has appointed as members of such committee on the part of the House, Messrs. Walker of Concord, Broadhurst of Franklin, and Mott of Newington.

The Chair appointed as members of such committee on the part of the Senate, Senators Hodgdon and Anderson.

Senator Bennett served notice on the Chair that he objected to this appointment to the Committee of Conference.

Senator Adams spoke in objection also.

### Introduction of Guests

The President welcomed to the floor of the Senate, Mr. Joseph Perley of Lebanon, a former Senator from District No. 5 and many terms a member of the House of Representatives.

### House Message

The House has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill:

HB 57, An Act relative to injuries to property.

On motion of Senator Merrill, the rules of the Senate were so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal.

### Committee Report

HB 317, An Act relative to an appropriation for matching town funds for airport construction.

Report of the Committee on Finance (Senator Merrill): Ought to pass with amendment.

Amend section 1 of the bill by striking out the words, and if contributions are used to match town funds for other airport construction an additional payment shall be made by the sponsoring town at the rate of three cents per gallon on all fuel sold or used in aircraft on the airport improved by said project. The determination of such fuel used or sold shall be determined as provided in RSA 422:39. The payments hereinbefore provided shall cease upon the repayment to the aeronautical fund of the entire amount of the grant from state funds, so that said section 1 as amended shall read as follows:

1. *Airport Aid and Development Program.* The sum of three hundred thousand dollars is hereby appropriated to be expended as needed by the aeronautics commission (1) for the purpose of equal matching of town funds for the development of airports with federal aid under the federal aid airport program or (2) for equal matching of town funds for the development of airports, as defined under the Federal Aid Airport Program by state contributions not in excess of five thousand dollars. In case of a grant under the provisions of (1) hereof, except in the case of a grant in an amount of five thousand dollars or less, the commission shall expend funds hereunder

only under an agreement with the sponsoring town that said sponsor shall make annual payments not later than June first each year, beginning on June first of the year following that in which the grant is made, to the aeronautical fund established under RSA 422:42 in any amount of not less than one fifteenth of the state funds contributed to the construction of buildings under the program.

Amend said bill by inserting after section 5 the following new section:

6. *Increase in Toll.* Amend RSA 422:39 by striking out the word "four" in the first line and inserting in place thereof the word, six, so that said section as amended shall read as follows: 422:39. *Airways Toll.* There is hereby imposed an airways toll of six cents per gallon upon the sale of each gallon of motor fuel or fuel as defined in chapter 265:2 (II), RSA, sold to and used in, the propulsion of aircraft. The airways toll shall be subject to the exemptions provided for government sales by chapter 265:4, RSA. The amount of motor fuel or fuel sold to and used in the propulsion of aircraft shall be determined by, and the toll shall be collected by, the commissioner of motor vehicles, under the authority and procedure established by the provisions of chapter 265, RSA, and the commissioner of motor vehicles may further promulgate and establish such additional rules, regulations and procedures as he may deem necessary in the collection and allocation of the airways toll provided herein. In the case of sales of fuel, the airways toll shall be collected at the time of the sale of such fuel and payment made to the commissioner in the same manner as in the case of motor fuel. The commissioner shall pay monthly to the state treasurer all revenue collected in accordance with the foregoing provisions.

7. *Disposition of Funds.* Amend RSA 422 by inserting after section 40 the following new section: 442:40-a. Notwithstanding the provisions of section 42 hereof the funds received for airway toll amounting to two cents per gallon upon the sale of each gallon of motor fuel shall be kept in a separate fund by the state treasurer to be paid out by him upon warrants drawn by the governor with the advice and consent of the council for the purpose of paying bonds or notes authorized by an act of the 1957 legislature for matching town funds for airport construction.

Further amend said bill by renumbering section 6 to read section 8.

Senator Merrill explained the amendment in detail.

(Discussion ensued)

Senator English offered the following amendment:  
Strike out all of sections 6 and 7 in the amended bill.  
Senator Lamontagne presiding.

(Discussion ensued)

On motion of Senator Caron, the Senate resolved itself into a Committee of the Whole for the purpose of listening to Mr. Hilliard of the Aeronautics Commission explain the above entitled bill.

(Committee of the Whole)

The Senate in regular session.

Question being on the adoption of the amendment offered by Senator English.

On this motion, Senator Bennett demanded a roll call.

The clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Bennett, Rogers, Rhodes, English, Holmes, and Rainie.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Cleveland, DeLude, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

Six Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

Question being on the adoption of the amendment offered by the Committee on Finance.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Sixteen Senators having voted in the affirmative, and five Senators having voted in the negative, the affirmative prevailed, and the amendment of the committee was adopted.

On a *viva voce* vote, the bill as amended was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate were



so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### Third Reading of House Bill

The following entitled bill was read a third time, and passed:

HB 317, An Act relative to an appropriation for matching town funds for airport construction.

Senator Humphreys desired to be recorded as voting against the above entitled bill.

Senator Karkavelas moved that the Senate reconsider its vote whereby it refused to concur in the adoption of the amendment of the House on SB 210, An Act relative to the military staff of the Governor.

On a *viva voce* vote, the Chair was in doubt and requested a division.

Senator Rainie demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, O'Brien, Horner, Paquette, Packard, Caron, Provost, Daniel, Karkavelas and Adams.

The following named Senators voted in the negative: Hodgdon, Bennett, Rogers, Cleveland, DeLude, Anderson, Rhodes, English, Holmes, Rainie, Bergeron, Merrill and Humphreys.

Ten Senators having voted in the affirmative and thirteen Senators having voted in the negative, the motion to reconsider did not prevail.

Senator Ferguson presiding.

Senator Cleveland moved that no more bills be taken out of any committee and spoke in support of the motion.

Senator Rhodes and Senator Humphreys spoke in support of the motion.

Senator Packard spoke in support.

Senator Hodgdon moved the previous question, seconded by Senator Cleveland.

Question being, Shall the main question now be put?

On a *viva voce* vote, the affirmative prevailed.

Question being on the motion of Senator Cleveland.

On a *viva voce* vote, the affirmative prevailed, and the motion carried.

The Chair declared a recess of approximately one hour.

(Recess)

The Senate re-assembled.

### House Message

The Speaker of the House of Representatives has ruled that the amendments sent down from the Honorable Senate on HB 317, An Act relative to an appropriation for matching town funds for airport construction, constitute a violation of the Constitution of the State of New Hampshire which requires that revenue measures must originate in the House of Representatives.

On motion of Senator Merrill, the Senate voted to reconsider its vote whereby it passed the above entitled bill.

On further motion of the same Senator, the Senate voted to reconsider its vote whereby it ordered the bill to a third reading.

On further motion of the same Senator, the Senate voted to reconsider its vote whereby it adopted the amendment offered by the Committee on Finance.

On further motion of the same Senator, the Senate voted not to adopt the amendment offered by the Committee on Finance.

Senator Merrill:

"The bill is now before us in the same form that it was when received from the House. Two gentlemen from Lebanon are vitally interested in this bill. After two years, if this does not prove feasible, we can do something about it then."

Senator English:

"I approve of the steps that are about to be taken. I want the record to show that serious consideration should be given this matter two years from now. The form that it is now in seems to be as satisfactory as we can make it."

On a *viva voce* vote, the bill was ordered to a third reading this afternoon at 2:00 o'clock.

On motion of Senator Merrill, the rules of the Senate

were so far suspended as to place the above entitled bill on its third reading and final passage at the present time.

### **Third Reading of House Bill**

The following entitled bill was read a third time, and passed:

HB 317, An Act relative to an appropriation for matching town funds for airport construction.

### **House Message**

The House of Representatives has voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following entitled House bill, in the adoption of which amendment the House asks the concurrence of the Honorable Senate:

HB 297, An Act relative to conveyance of land to the town of Nottingham.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to survey by the planning and development commission of certain state lands in the town of Nottingham and to conveyance of said lands.

On motion of Senator Cleveland, the Senate voted to concur with the House in the amendment offered by the Committee on Engrossed Bills.

### **House Message**

The House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bill, in the adoption of which amendments the House asks the concurrence of the Honorable Senate:

SB 208, An Act relative to abatement for overpayment of income taxes.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Income Taxes.* Amend RSA 77 by inserting after section 24 the following new section: 77:24-a. *Abatement for Overpayment.*

On motion of Senator Adams, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills.

**Engrossed Bills**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled House and Senate bills and House joint resolution:

HB 65, An Act for county cooperative extension work in agriculture and home economics.

HB 86, An Act relative to unemployment compensation to certain employees of the state and of the political subdivisions and instrumentalities thereof.

HB 302, An Act relative to the salary of the mayor, aldermen and members of the school committee of the city of Manchester.

HB 344, An Act relative to the compensation of legislative attaches.

HB 399, An Act relative to the employment of an additional assistant attorney general and clerical assistance for the law department; relative to daily wages of inmates at the state prison.

SB 19, An Act relative to transporter registration.

HJR 31, Joint Resolution relative to reconstruction of Fort at Number Four.

HB 381, An Act relative to the operation of motor vehicles, operation of motor vehicles by juveniles, and for the registration of motor cycles by manufacturers and dealers.

SB 143, An Act relative to appropriation for registers of probate and additional legislative expenses and appropriations.

SB 21, An Act relative to the registration of motor vehicles by manufacturers or dealers.

HB 305, An Act relative to minimum wage law.

HB 236, An Act relative to motor vehicle liability insurance and requirements as to financial responsibility.

HB 262, An Act relative to use of fluorine in public water supplies.

SB 209, An Act relating to deputy clerks of the superior court.

SJR 9, Joint Resolution relative to a study of water supplies in the seacoast region of the state.

SB 208, An Act relative to abatement for overpayment of income taxes.

HB 297, An Act relative to survey by the planning and development commission of certain lands in the town of Nottingham and to conveyance of said lands.

HB 317, An Act relative to an appropriation for matching town funds for airport construction.

IDA M. HORNER,  
*For the Committee.*

The report was accepted.

### House Message

The House of Representatives has voted to discharge the present Committee of Conference on the following entitled bill and to appoint a new Committee of Conference:

HB 53, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

The Speaker has appointed as members of such committee, the Messrs. Chandler of Bartlett, Mott of Newington and Mrs. Miner of Meredith.

Senator Adams moved that the Senate recall the following entitled bill from the House:

HB 53, An Act providing for state participation in water pollution control costs through financial aid to municipalities.

On this motion, Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Bennett, Rogers, DeLude, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Cleveland, Anderson, Rhodes, English, Holmes and Merrill.

Thirteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the affirmative prevailed, and the motion carried.

Senator Adams moved that the Senate re-consider its vote whereby it passed the above bill.

Senator Cleveland demanded a roll call on this motion.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Bennett, Rogers, DeLude, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Cleveland, Anderson, Rhodes, English, Holmes, Bergeron and Merrill.

Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion carried.

Senator Adams moved that the Senate re-consider its vote whereby it ordered the above bill to a third reading.

On this motion, Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Bennett, Rogers, DeLude, Paquette, Packard, Caron, Provost, Daniel, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Cleveland, Anderson, Rhodes, English, Holmes, Bergeron and Merrill.

Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion carried.

Senator Adams moved that the Senate re-consider its vote whereby it adopted the amendment offered by the Joint Committee of Resources, Recreation and Development and Finance.

On this motion, Senator Cleveland demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, Bennett, Rogers, DeLude, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Cleveland, Anderson, Rhodes, English, Holmes and Merrill. Senator Ferguson stated that he would vote No.

Thirteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the affirmative prevailed, and the motion carried.

On motion of Senator Adams, the Senate refused to adopt the amendment offered by the joint committee.

The bill now being on its second reading and open to further amendment, Senator Rogers offered the following amendment:

Amend said bill by striking out section 3 and by re-numbering section 4 to read section 3.

Question being on the adoption of the amendment offered by Senator Rogers.

On this motion, Senator Cleveland demanded a roll call. The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Bennett, Rogers and Rhodes.

The following named Senators voted in the negative: Lamontagne, O'Brien, Horner, Hodgdon, Cleveland, DeLude, Anderson, English, Holmes, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams, Merrill and Humphreys.

Three Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Question being, Shall the bill be read a third time?

On this question, Senator Cleveland demanded a roll call. The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Lamontagne, DeLude, Paquette, Packard, Caron, Provost, Daniel, Bergeron, Karkavelas, Adams and Humphreys.

The following named Senators voted in the negative: O'Brien, Horner, Hodgdon, Bennett, Rogers, Cleveland, Anderson, Rhodes, English, Holmes and Merrill. Senator Ferguson stated that he would vote No.

Eleven Senators having voted in the affirmative, and twelve Senators having voted in the negative, the negative prevailed, and the motion was lost.

The bill was not ordered to a third reading.

### House Message

The House has voted to adopt the report of the Committee of Conference on the following entitled bill:

Senate Bill No. 159, An Act creating an interim commission for the purpose of redistricting ward lines, allocating ward polling places and recommending lines for an additional ward for the city of Manchester.

The Committee of Conference, to whom was referred Senate Bill No. 159, An Act creating an interim commission for the purpose of redistricting ward lines, allocating ward polling places and recommending lines for an additional ward

for the city of Manchester, having considered the same, reported the same with the following recommendations:

That the House recede from its position in adopting its amendment as to Section 3 of the bill, that the Senate recede from its position of non-concurrence and concur in the adoption of the following amendment to section 3:

Amend section 3 by striking out the words and figures "twenty-five hundred dollars (\$2500.)" in the second line and inserting in place thereof the words and figures, five hundred dollars (\$500.) so that said section as amended shall read as follows:

3. *Appropriation.* There shall be appropriated from the general funds of the city of Manchester the sum of five hundred dollars (\$500.) or so much thereof as may be necessary for technical assistance and the actual expenses of the commission which shall be spent under the authority of the full commission.

NORMAN A. PACKARD,  
PAUL E. PROVOST,

*Conferees on the Part of the Senate.*

GRETA M. AINLEY,  
JOSEPH GEISEL,  
WM. H. CRAIG,

*Conferees on the Part of the House.*

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 86, An Act relative to unemployment compensation for certain employees of the state and political subdivisions and instrumentalities thereof, having considered the same, reported the same with the following recommendations:

That the house recede from its position of non-concurrence, that the senate recede from its position in adopting its amendment, and the following amendment be adopted:

Amend the bill by inserting after section 4 a new section as follows:

5. *Employees Retirement.* The Board of Trustees of the State Employees Retirement System is hereby directed to study what the effect would be if paragraph XII of RSA 100: were amended to read as follows: XII. "Average final



compensation" shall mean the average annual earnable compensation of a member during his best five years of creditable service, or if he has less than five years of creditable service, it shall mean his average annual earnable compensation during his total creditable service. Said Board of Trustees to report its findings and recommendations to the 1959 session of the legislature.

Further amend the bill by renumbering section 5 to read section 6.

BENJAMIN C. ADAMS,  
MARYE W. CARON,

*Conferees on the Part of the Senate.*

NORMAN A. McMEEKIN,  
GEORGE W. ANGUS,  
JOHN W. KING,

*Conferees on the Part of the House.*

### **House Message**

The House has voted to adopt the Report of the Committee of Conference on the following entitled bill:

HB 86, An Act relative to unemployment compensation for certain employees of the state and of political subdivisions and instrumentalities thereof.

The message further stated that the House has voted to concur with the Honorable Senate in the passage of the following entitled bill with amendment sent down from the Honorable Senate:

HB 302, An Act relative to the salary of the mayor, aldermen and members of the school committee of the city of Manchester.

The message further stated that the House has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments, the House asks the concurrence of the Honorable Senate:

Senate Bill No. 159, An Act creating an interim commission for the purpose of redistricting ward lines, allocating ward polling places and recommending lines for an additional ward for the city of Manchester.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Commission Appointed.* An interim commission consisting of eleven residents of the city of Manchester shall be appointed for the purpose of redistricting the ward lines, allocating polling places and, if necessary, recommending an additional ward for the city of Manchester. Of said commission of eleven members no more than three shall be members of the board of aldermen and, unless they decline the appointment, one member shall be the city clerk and two shall be members of the Senate. The chairman of the Manchester city delegation of the House of Representatives shall be a member of this commission and shall appoint the remaining members to the commission. The commission shall select a chairman from among their members and shall serve without compensation but shall be reimbursed for their necessary expenses when engaged in the business of the commission, provided however, that the commission may compensate its clerk, who may be a member of the commission for his services.

2. *Duties.* The duties of the commission shall be to redistrict the ward lines and allocate the polling places in the city of Manchester in a fair and equitable manner and, if necessary, recommend additional ward or wards.

3. *Appropriation.* There shall be appropriated from the general funds of the city of Manchester the sum of five hundred dollars (\$500) or so much thereof as may be necessary for technical assistance and the actual expenses of the commission which shall be spent under the authority of the full commission.

4. *Filing Recommendations.* On or before January 8, 1959, the commission shall file its recommendations with the Manchester delegation in the 1959 legislature for their first order of consideration.

5. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Packard, the Senate voted to concur in the adoption of the amendment sent up from the House of Representatives.

On motion of Senator Karkavelas, the Senate adjourned from the morning session.

### Afternoon Session

#### Concurrent Resolution

*Resolved, by the House of Representatives, the Senate concurring:*

That a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned and to receive any communication which he may be pleased to make.

The Speaker appointed as members of such committee on the part of the House:

Mrs. Martin of Littleton, Mrs. Miner of Meredith, Mr. Craig of Manchester, Mrs. Tolman of Nelson, Mrs. Davis of Concord, Mr. Lacasse of Berlin, Mrs. Currier of Rochester, Mr. Eastman of Exeter, Mrs. Frizzell of Charlestown, Mrs. Merrill of Albany.

On motion of Senator Daniel, the above Concurrent Resolution was adopted:

Pursuant to the above Concurrent Resolution, the Chair appointed as members of such select committee, the following:

Senators Cleveland, Lamontagne, Horner, DeLude, Merrill, Packard, Provost and Daniel.

#### Appointments

Pursuant to the provisions of An Act relative to the legislative council, the President appointed the following members of the Senate to the Legislative Council: Senators Hodgdon, Holmes, Caron.

Pursuant to the provisions of House Bill No. 291, An Act providing for salaries for classified state employees and salaries for unclassified state officials, the President appointed the following members of the Senate to the committee: Senators Rogers and Bergeron.

Pursuant to the provisions of Senate Joint Resolution No. 7, Joint Resolution providing for an investigation of gasoline and fuel oil prices in the state of New Hampshire, the President appointed the following members of the Senate to the committee: Senators Anderson, Humphreys and Lamontagne.

Pursuant to the provisions of Senate Bill No. 192, An Act relative to acquisition of recreational area in Monadnock region, the President appointed the following members of the Senate to the committee: Senators Rhodes and English.

Pursuant to the provisions of House Bill No. 409, An Act establishing a state council on the problems of the aging, the President appointed the following member of the Senate to the committee: Senator Rainie.

Relative to Economic Growth Survey: Senators Delude and Provost.

DEAR MR. PRESIDENT:

This is to advise you that I have this day made the following appointments:

**Legislative Council**

Charles H. Toll, Jr., Concord  
John N. Nassikas, Manchester  
Robert B. Dishman, Durham

**Joint Committee to Investigate Gasoline Fuel Oil Prices**

Albert J. Akerstrom, Laconia

**Monadnock Recreation Area Commission**

J. Alfred Dennis, Keene  
Jason C. Sawyer, Jaffrey  
David J. Barry, Wilton  
John B. Blackwood, Greenfield

**HJR 64 Special Committee to Select Artist for**

**Captain Harl Pease Portrait**

Honorable Charles Griffin, Lincoln

Sincerely,

LANE DWINELL.

**President's Message**

The President expressed his sincere thanks and appreciation to the members of the Senate and stated that it was the best Senate he had ever presided over.

He wished them success and happiness in the years to come.

### Indefinite Postponement

The Senate voted by final adjournment resolution to indefinitely postpone the following entitled bills. In accordance with the concurrent resolution that all bills and joint resolutions pending in either branch on August 2, 1957, at 5:00 P. M., the following entitled bills are indefinitely postponed:

SB 6, An Act relative to payment of costs and attorney's fees by the state in case of certain appeals from assessment of highway damages.

SB 71, An Act relating to bids by sub-contractors.

SB 77, An Act providing for interest from date of writ added to damages awarded in certain civil actions.

SB 84, An Act relating to control of cemeteries in the town of Rollinsford.

SB 87, An Act relative to definition of employees under the workmen's compensation law.

SB 111, An Act relative to liability for use of high explosives.

SB 116, An Act relative to communications by prisoners.

SB 120, An Act relative to the definition of group life insurance.

SB 129, An Act relative to the federal aid highway act of 1956.

SB 133, An Act relating to financial responsibility of motorists.

SB 139, An Act permitting employee retirement plans at the option of towns.

SB 141, An Act authorizing rehabilitation work in redevelopment projects.

SB 151, An Act relating to damage sustained in motor vehicle accidents.

SB 153, An Act relative to exemptions from taxation of the Appalachian Mountain Club.

SB 173, An Act relative to mutual savings bank.

SB 175, An Act providing for use of state armories by the civil air patrol.

SB 177, An Act relative to public meetings of state and local boards and commissions.

SB 182, An Act relative to injuries to property.

SB 185, An Act to provide for payments of claim and

judgments arising out of motor vehicle accidents caused by uninsured or unknown drivers.

SB 189, An Act providing limitations on rate of interest on loans of over \$300.00.

SB 199, An Act relative to public assistance to the blind.

HB 21, An Act relative to overtaking and passing school bus.

HB 209, An Act relative to the clerk's fee for issuing certificates of conformity to requirements of marriage intentions notice.

HB 219, An Act relative to payment of licensing fees for dogs and to killing unlicensed dogs.

HB 235, An Act providing penalty for false bomb scares.

HB 253, An Act relative to hunting accidents.

HB 257, An Act relative to bounties on porcupine.

HB 298, An Act to enforce sanitation for railroad employees.

HB 325, An Act relating to fly fishing and the taking of cotarnix quail.

HJR 39, Joint Resolution relative to a special committee to study the railroad problem in the state.

Senator Cleveland, for the Joint Committee to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to receive any communications he might be pleased to make. reported that they had attended to their duties and had been informed by His Excellency that he had a communication to make to the Legislature.

The report was accepted, and His Excellency, Lane Dwinell, then came in and delivered the following message to the Senate.

### **Governor's Message to Prorogue the General Court**

The contrast between the beginning and the ending of a General Court is more than a contrast between winter and summer. It is the contrast between eager people and tired people. More importantly, it is the contrast between fond hopes and solid accomplishments. What is said in an inaugural address or a budget message means little if it cannot be translated into definitive action. It is deeply satisfying to sum-

marize briefly this afternoon the actions of the 134th general court in terms of success rather than of failure.

In the discharge of your duties and responsibilities as the people's elected representatives under our democratic form of government, you have considered thoughtfully and diligently some 739 bills and resolves, covering a multitude of subjects and principles. Of these bills, you have enacted 438 into law, which have to a great extent fulfilled the promises made by you and by me, individually or collectively to the people of New Hampshire.

As governor, I wish to offer you my heartiest congratulations on the work you have accomplished.

On two previous occasions during this session, I have had the pleasure of appearing before you for the purpose of offering assistance by the executive department, in effecting certain specific betterments and improvements for residents of our state. In the main, you have attained these goals. A broad analysis of your legislative achievements discloses that you have appropriated for the coming biennium thirty-eight million dollars from the general funds for the operation of our state government, this having been accomplished without the imposition of any new forms of taxation. In addition, you have seen fit and proper to appropriate nearly eight-eight million dollars to meet the greatly expanded activities of the department of public works and highways, thereby assuring to the users of our roads a continued improvement in our highway system through the state.

My budget recommendations early in the session were most carefully screened and thoroughly prepared. It is pleasing to note that during the six months while you applied yourselves to the major task of reviewing a total general fund budget of \$38,000,000, you have increased the recommendations made by me in an amount of only \$375,000, or less than one per cent. It is personally gratifying that out of a total number of approximately 2,000 separate appropriations or line items, you have seen fit to make no changes whatsoever in more than 85 per cent of my recommendations.

With the increase in population in New Hampshire, as well as throughout the nation, you have squarely met one of the most pressing of our problems in the field of education by enacting legislation to provide for expansion of facilities at

all levels of our educational system. At the local level, you have provided an increase in funds to aid the needy school districts, and, for the first time in many years, have met the full requirements of the equalization formula. You have placed the school construction aid program on a permanent basis with a substantial increase in funds. To meet the demand for more teachers you have wisely expanded the facilities at the Keene and the Plymouth Teachers' colleges by approving the construction of additional classroom, dormitory and other facilities.

Establishment of a scholarship fund at the two technical institutes, plus appropriations of both capital and operating funds will assure a continuing supply of excellently-trained technical young men for our New Hampshire industries.

In the field of higher education you have appropriated in excess of ten million dollars to the University of New Hampshire, of which five and one-half million dollars is for the construction of class-rooms and dormitories. In order that the teaching profession may be more attractive to those individuals who devote their lives to the education and welfare of our people, you have provided a more remunerative and better-balanced retirement plan, by integrating the Teachers' retirement system with the federal social security program.

While I can report to you that only this morning the commissioner of education told me that in his judgment this general court has done more for public education than any other in the history of the state, I cannot feel, even so, that we did as much as we should. Our inability to increase and properly finance the state's aid for needy school districts represents, if not a major failure, at least the most important piece of business which you have left unfinished. Adoption of our suggestions for increasing state aid for education would have served the two-fold purpose of further improving the quality of our public schools and giving added belief to the local property taxpayers.

In a period of prosperity, with the ever rising cost of living, you have properly recognized the compensatory value of loyal employees of the state by granting a salary increase of five million, seven hundred eighty-eight thousand dollars for the biennium, not including pay raises that you also provided for employees of the probate, superior and supreme court.



In the field of public health, welfare and institutions, you have conscientiously given substantial consideration to the children of our state, in order to keep New Hampshire in its enviable position of having one of the lowest rates of juvenile delinquency in the nation. By restricting the sale of dangerous weapons and by more vigorous control of narcotics: by protecting minors in adoption proceedings and by encouraging the use of foster homes for neglected and delinquent children, in preference to institutional supervision, and by a more direct controlling of the home of the delinquent parent, you have committed New Hampshire to a betterment of its already fine delinquency record.

The capital appropriations made for our state institutions, as well as those increases in personnel granted to the state hospital and Laconia state school, assure a high level of custodial care and provide adequately for projected estimates of population at these institutions.

May I, also, at this point, commend you for your acceptance of my recommendation for a complete mental health survey of our state facilities. This is a progressive, forward step, vital and necessary to assure proper future developments based on the best advice obtainable.

The military program within the state, as well as the rights of veterans, have been reviewed, expanded and improved. Continuing the building program for the construction of state armories, you have appropriated three hundred eighty thousand dollars, representing the state's share in the construction of new armories at Concord, Nashua, Wolfeboro, Keene, and have completely revised the antiquated provisions of our old militia law, in order to properly reflect modern organizational structure in keeping with modern methods of combat and defense. Those veterans entitled to payment of the Korean bonus have been properly recognized for their services in prior wars, by your appropriation of one million one hundred fifty thousand dollars, and legislation has been enacted to afford them further protection in time of adversity by liberalizing the mortgage provisions relative to their homes.

Labor has long been the backbone and bulwark of our economy and you have enacted legislation that continues to recognize its important place in our business structure. You have done this by raising the minimum wage law, by increased

protection of the unemployed and by increasing the maximum weekly benefits under the workmen's compensation law.

For many years, both the federal and state governments have by legislative direction endeavored to make possible the reduction of working hours of those who labor in government service, as well as in private industry. However, in our state institutions and in certain other departments of government, many employees have had a basic work week in excess of 40 hours. It has been of constant concern to me that in a progressive, enlightened, American society, the sovereign state of New Hampshire has tolerated a double standard of working hours within its own family. In the recent salary increase for all state employees, you have very wisely incorporated a provision effective July 1, 1958 leading to the elimination of this inequitable situation.

Your recognition of the industrial development of our state is certainly worthy of further commendation. Such actions include the increased appropriation to the industrial division of the planning and development commission and the increased borrowing power of the industrial park authority from one to two million dollars. The creation, with funds to operate, of an economic survey group to study the varied and complex economics problems of our communities is further good indication of your concern for the industrial development of New Hampshire.

New Hampshire has long enjoyed the reputation of pioneering in various fields of legislation in the best interests of its citizens. You have maintained this enviable position by extending to the people of New Hampshire added protection against irresponsible motorists. You have given protection against personal injury to our insured motorists by enlarging the standard policy of insurance to extend to bodily injuries suffered as a result of wrongful acts of irresponsible motorists. This can properly be termed a "New Hampshire Plan" because it is to the combined credit of the New Hampshire insurance industry and the members of this General Court that a law has been enacted, in what has been for decades one of the most difficult and controversial matters of legislation. To me this was one of the most noteworthy accomplishments of the session.

Equally of importance in protecting the New Hampshire

motorist is the strengthening of the financial responsibility phase of our motor vehicle law which will preclude the careless and negligent operator from obtaining a driver's license and from operating upon the public highways of the state of New Hampshire without the required financial responsibility.

In the field of recreation you have also been a pioneer in the creation of a regulatory body to assure to the people of New Hampshire, as well as our visitors, that our uphill tramways and ski devices will meet higher standards of construction and operation. Passengers thereon can be assured hereafter that the technological developments within this area of transportation are in the best interests of their own security and well being. I am sure that our sister states engaging in this type of recreation will enact similar legislation in the years to come for the protection of the residents and visitors.

It is also appropriate to commend you for your foresight in improving the skiing facilities at both Cannon Mountain and Sunapee, not only by the addition of new lifts but also by the expansion and enlargement of other facilities.

It was apparent from the very outset that your record would be one of marked achievement when, early in the session you concluded an effort which has been twenty years in the making. By an overwhelmingly large vote, you enacted into law the Merrimack River Flood Control Compact, which joined the State of New Hampshire and the Commonwealth of Massachusetts in a mutual agreement to stem the flood waters of the Merrimack river and its tributaries.

With this legislative record which I have briefly outlined, you can return to your homes with the assurance that the people of New Hampshire will recognize the value of the service you have given your state.

As I come to the formal act of proroguing this session of the General Court, I can foresee as of now only one circumstance which might make it necessary for you to reconvene in a special session. There is pending in the state's highest court, a case concerning the utility franchise tax, which has been a source of general fund revenue for more than 25 years. Only the final decision of the court can advise us to what extent, if any, the state's current financial position may be impaired. You have my assurance that should such an impairment occur,

I will submit recommendations for the replacement of revenues from the same general sources they are now obtained.

Having executed all acts and resolves of this General Court which have been presented to me, and having been informed by a joint committee of your bodies that you have completed the session and are ready to adjourn, I do, by the authority vested in me as Governor, hereby declare the General Court of New Hampshire adjourned until the last Wednesday in December, in the year of our Lord one thousand nine hundred and fifty-eight.

President Ferguson requested that the Honorable Norma Studley Currier to pronounce the benediction on the deliberations of the Honorable Senate.

Whereupon, President Ferguson declared the Senate adjourned until the last Wednesday of December, 1958.

BENJAMIN F. GREER,

*Clerk.*

A true copy: Attest:

BENJAMIN F. GREER,

*Clerk.*

APPENDIX I  
FINAL DISPOSITION OF BILLS AND RESOLUTIONS

---

House Bill No. 1, An Act providing additional funds for the payment of so-called Korean bonus.

**Engrossed.** **Chapter 5, Laws of 1957.**

House Bill No. 2, An Act relative to the salary of the special justice of Portsmouth municipal court.

**Engrossed.** **Chapter 204, Laws of 1957.**

House Bill No. 3, An Act relative to posting notices for caucuses.

**Engrossed.** **Chapter 6, Laws of 1957.**

House Bill No. 4, An Act relative to preparation of check-lists at meetings in the school district of Newport and in other school districts.

**Engrossed.** **Chapter 57, Laws of 1957.**

House Bill No. 5, An Act relative to capital reserve fund established by the Hillsborough school district.

**Engrossed.** **Chapter 371, Laws of 1957.**

House Bill No. 6, An Act relative to borrowing by credit unions.

**Engrossed.** **Chapter 1, Laws of 1957.**

House Bill No. 7, An Act relative to destruction of records of liquidation of banks by the bank commissioner.

**Engrossed.** **Chapter 2, Laws of 1957.**

House Bill No. 8, An Act relative to the unemployment compensation law establishing the department of employment security.

**Engrossed.** **Chapter 118, Laws of 1957.**

House Bill No. 9, An Act for the recognition of the Altar of the Nation at Rindge as a national shrine.

**Killed.** 

---

House Bill No. 10, An Act relative to Contoocook Fire Precinct.

**Engrossed.**

**Chapter 366, Laws of 1957.**

House Bill No. 11, An Act repealing the provisions for a finance commission in the city of Manchester.

**Killed.** 

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House Bill No. 12, An Act dividing the state into two sections for the taking of wild deer.

**Killed.** 

---

House Bill No. 13, An Act providing for refund of fees paid for operator's license under motor vehicle laws in case of death or incapacity of holder of license.

**Killed.** 

---

House Bill No. 14, An Act legalizing the biennial election of 1956 in the town of Pittsfield.

**Engrossed.**

**Chapter 367, Laws of 1957.**

House Bill No. 15, An Act providing for the establishment of a sixty-day period to elapse between enactment date and the effective date of statutes.

**Engrossed.**

**Chapter 12, Laws of 1957.**

House Bill No. 16, An Act relative to nonresident hair-dressers and hairdresser demonstrators.

**Engrossed.**

**Chapter 7, Laws of 1957.**

House Bill No. 17, An Act relative to boiler inspection.

**Killed.** 

---

House Bill No. 18, An Act relative to disposition of fines paid into municipal court for motor vehicle law violations where arrest made by local officers.

**Killed.** 

---

House Bill No. 19, An Act relative to penalty for robbery.  
**Killed.** 

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House Bill No. 20, An Act relative to kidnapping a minor.  
**Killed.** 

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House Bill No. 21, An Act relative to overtaking and passing school bus.  
**Killed.** 

---

House Bill No. 22, An Act to promote forest conservation.  
**Killed.** 

---

House Bill No. 23, An Act legalizing the biennial election, 1956, in the town of Washington.  
**Engrossed.** **Chapter 368, Laws of 1957.**

House Bill No. 24, An Act providing for the assessment and collection of a special head tax for state purposes.  
**Engrossed.** **Chapter 29, Laws of 1957.**

House Bill No. 25, An Act relative to initial motor vehicle number plates.  
**Engrossed.** **Chapter 8, Laws of 1957.**

House Bill No. 26, An Act repealing the authority of the military to carry stilettos, switch knives, etc.  
**Engrossed.** **Chapter 9, Laws of 1957.**

House Bill No. 27, An Act relating to false procurement of narcotics.  
**Engrossed.** **Chapter 10, Laws of 1957.**

House Bill No. 28, An Act relative to the removal of so-called log skidway adjacent to highways.  
**Killed.** 

---

House Bill No. 29, An Act defining the term "governor and council."  
**Engrossed.** **Chapter 3, Laws of 1957.**

House Bill No. 30, An Act increasing the salary of the clerk of the Manchester municipal court.

**Engrossed.**

**Chapter 17, Laws of 1957.**

House Bill No. 31, An Act relative to re-examination of holders of licenses to operate motor vehicles.

**Engrossed.**

**Chapter 25, Laws of 1957.**

House Bill No. 32, An Act relating to operation of motor vehicles registered in Canadian provinces on the highways of this state.

**Killed.** \_\_\_\_\_

House Bill No. 33, An Act relating to motor vehicle violations.

**Killed.** \_\_\_\_\_

House Bill No. 34, An Act relating to voiding of certain real estate mortgages.

**Killed.** \_\_\_\_\_

House Bill No. 35, An Act legalizing the school district meeting held on March 11, 1957 in the town of Hollis.

**Engrossed.**

**Chapter 436, Laws of 1957.**

House Bill No. 36, An Act relating to payment of tuition by certain school districts.

**Engrossed.**

**Chapter 51, Laws of 1957.**

House Bill No. 37, An Act relative to the time for presentation of transfer cards to supervisors of the check-list.

**Killed.** \_\_\_\_\_

House Bill No. 38, An Act increasing fee for witnesses.

**Engrossed.**

**Chapter 11, Laws of 1957.**

House Bill No. 39, An Act relative to payment of poll and head taxes prior to issuance of certain licenses.

**Engrossed.**

**Chapter 13, Laws of 1957.**

House Bill No. 40, An Act legalizing the biennial election, 1956, in the town of Cornish.

**Engrossed.**

**Chapter 372, Laws of 1957.**



House Bill No. 41, An Act legalizing proceedings at the November, 1956, election held in towns of Ashland and Holderness.

**Engrossed.**

**Chapter 376, Laws of 1957.**

House Bill No. 42, An Act relative to voting in school district meetings.

**Engrossed.**

**Chapter 18, Laws of 1957.**

House Bill No. 43, An Act to provide for absentee voting at primaries.

**Legislative Council.** 

---

House Bill No. 44, An Act providing for exemptions and credit on the taxation of income.

**Killed.** 

---

House Bill No. 45, An Act relative to appearance of police officers in civil or criminal proceedings.

**Engrossed.**

**Chapter 166, Laws of 1957.**

House Bill No. 46, An Act increasing the salaries of the justice and clerk of the Portsmouth municipal court.

**Engrossed.**

**Chapter 108, Laws of 1957.**

House Bill No. 47, An Act relating to clearance of bridges.

**Engrossed.**

**Chapter 58, Laws of 1957.**

House Bill No. 48, An Act authorizing an interstate compact relating to flood control of the Merrimack River.

**Engrossed.**

**Chapter 27, Laws of 1957.**

House Bill No. 49, An Act relating to committals to Laconia State School.

**Engrossed.**

**Chapter 295, Laws of 1957.**

House Bill No. 50, An Act relating to pari-mutuel pools.

**Engrossed.**

**Chapter 122, Laws of 1957.**

House Bill No. 51, An Act legalizing the biennial election of November, 1956, in the town of Plymouth.

**Engrossed.**

**Chapter 373, Laws of 1957.**

House Bill No. 52, An Act relative to requirements for bank institutions protection against losses.

**Engrossed.**

**Chapter 19, Laws of 1957.**

House Bill No. 53, An Act providing for state participation in water pollution costs through financial aid to municipalities.

**Killed.** \_\_\_\_\_

House Bill No. 54, An Act relative to fees in small claims court.

**Killed.** \_\_\_\_\_

House Bill No. 55, An Act relative to executions in small claims cases.

**Engrossed.**

**Chapter 26, Laws of 1957.**

House Bill No. 56, An Act relative to the salary of the justice of the Manchester municipal court.

**Engrossed.**

**Chapter 227, Laws of 1957.**

House Bill No. 57, An Act relating to motor vehicle fees and municipal permits.

**Killed.** \_\_\_\_\_

House Bill No. 58, An Act relative to inspectors in the labor department.

**Engrossed.**

**Chapter 172, Laws of 1957.**

House Bill No. 59, An Act relative to purchase and distribution of Salk poliomyelitis vaccine by the state.

**Engrossed.**

**Chapter 30, Laws of 1957.**

House Bill No. 60, An Act relating to causes for divorce.

**Engrossed.**

**Chapter 67, Laws of 1957.**

House Bill No. 61, An Act relative to mileage allowances for members of the general court from Keene.

**Killed.** \_\_\_\_\_

House Bill No. 62. An Act providing for a veterans' memorial to be erected at The Weirs.

**Killed.** \_\_\_\_\_

House Bill No. 63, An Act relative to the trespass of domestic animals and damages to real property.

**Engrossed.**

**Chapter 76, Laws of 1957.**

House Bill No. 64, An Act relative to registration fee for public bus.

**Killed.**

---

House Bill No. 65, An Act for county co-operative extension work in agriculture and home economics.

**Engrossed.**

**Chapter 312, Laws of 1957.**

House Bill No. 66, An Act relating to the salary of the deputy register of probate for Carroll County.

**Engrossed.**

**Chapter 44, Laws of 1957.**

House Bill No. 67, An Act relating to the homestead right on mortgage.

**Killed.**

---

House Bill No. 68, An Act in relation to Union Trust Company.

**Engrossed.**

**Chapter 382, Laws of 1957.**

House Bill No. 69, An Act providing for additional motor vehicle road toll to be expended on town highways.

**Killed.**

---

House Bill No. 70, An Act relative to penalty for illegal practice of Chiropractic.

**Engrossed.**

**Chapter 37, Laws of 1957.**

House Bill No. 71, An Act relative to emergency use of party line telephone.

**Engrossed.**

**Chapter 31, Laws of 1957.**

House Bill No. 72, An Act enabling the First Universalist Society in Nashua, Inc., and First Unitarian Congregational Society in Nashua, to consolidate into one corporation named, Unitarian-Universalist Church of Nashua, New Hampshire.

**Engrossed.**

**Chapter 369, Laws of 1957.**

House Bill No. 73, An Act relative to transfer of permanent policemen who are present members of the state employees' retirement system to the policemen's retirement system.

**Engrossed.**

**Chapter 49, Laws of 1957.**

House Bill No. 74, An Act relative to acceptance of the provisions of the policemen's retirement system.

**Engrossed.**

**Chapter 50, Laws of 1957.**

House Bill No. 75, An Act to establish maximum hours of labor for employees in state service.

**Killed.**

---

House Bill No. 76, An Act relative to the registration of motor vehicles of the Civil Air Patrol.

**Engrossed.**

**Chapter 20, Laws of 1957**

House Bill No. 77, An Act relative to sale of meat, fish and fowl.

**Engrossed.**

**Chapter 97, Laws of 1957.**

House Bill No. 78, An Act relative to marine toilets and disposal of sewage from boats.

**Engrossed.**

**Chapter 190, Laws of 1957.**

House Bill No. 79, An Act relative to examinations and fees in the practice of optometry.

**Engrossed.**

**Chapter 36, Laws of 1957.**

House Bill No. 80, An Act relative to reporting of fires to the state fire marshal.

**Engrossed.**

**Chapter 59, Laws of 1957.**

House Bill No. 81, An Act relative to the taking of deer and providing for free hunting licenses in certain cases.

**Killed**

---

House Bill No. 82, An Act relative to the salary of Treasurer of Rockingham County.

**Engrossed.**

**Chapter 149, Laws of 1957.**

House Bill No. 83, An Act relative to misrepresentation by minor for the purpose of purchase of liquor or beverages.

**Engrossed.**

**Chapter 291, Laws of 1957.**

House Bill No. 84, An Act relative to definition of employer, claims for benefits and increase in benefits, under the workmen's compensation law.

**Engrossed.**

**Chapter 187, Laws of 1957.**

House Bill No. 85, An Act relating to the committal of juveniles and transfer of cash bail.

**Engrossed.**

**Chapter 71, Laws of 1957.**

House Bill No. 86, An Act relative to unemployment compensation for certain employees of the state and of political subdivisions and instrumentalities thereof.

**Engrossed.**

**Chapter 313, Laws of 1957.**

House Bill No. 87, An Act relative to borrowing by village districts for current expenses and maintenance.

**Engrossed.**

**Chapter 98, Laws of 1957.**

House Bill No. 88, An Act relative to the distribution of the tax on boats and launches.

**Killed.**

---

House Bill No. 89, An Act repealing the provisions for returns and annual return fees for voluntary corporations.

**Engrossed.**

**Chapter 32, Laws of 1957**

House Bill No. 90, An Act relative to class III recreational roads.

**Engrossed.**

**Chapter 99, Laws of 1957.**

House Bill No. 91, An Act relative to the definition of closed package under statute for grading apples.

**Engrossed.**

**Chapter 100, Laws of 1957.**

House Bill No. 92, An Act relative to protection at railroad crossings.

**Killed.**

---

House Bill No. 93, An Act relative to application of juvenile court law.

**Killed.** 

---

House Bill No. 94, An Act relating to water companies, when not public utilities.

**Engrossed.**

**Chapter 33, Laws of 1957.**

House Bill No. 95, An Act establishing a police commission for the city of Franklin.

**Killed.** 

---

House Bill No. 96, An Act relating to the Pembroke Street Village District.

**Engrossed.**

**Chapter 387, Laws of 1957.**

House Bill No. 97, An Act relative to uniform forms of accounting by trustees.

**Killed.** 

---

House Bill No. 98, An Act relative to discharging of chattel mortgages and conditional sales contracts.

**Killed.** 

---

House Bill No. 99, An Act relative to the salaries of the members of the board of public works councilmen and mayor of the city of Laconia.

**Engrossed.**

**Chapter 411, Laws of 1957.**

House Bill No. 100, An Act adding "agronomic" plants and seeds to plant and seed certification.

**Engrossed.**

**Chapter 101, Laws of 1957.**

House Bill No. 101, An Act exempting from yield tax trees cut for Christmas trees.

**Killed.** 

---

House Bill No. 102, An Act relative to benefits in fraternal benefit societies.

**Killed.** 

---

House Bill No. 103, An Act relative to the discharge of chattel mortgages.

**Killed.** 

---

House Bill No. 104, An Act relative to the evasion of tolls and charges on use of highways and bridges.

**Engrossed.**

**Chapter 40, Laws of 1957.**

House Bill No. 105, An Act relative to write in votes at the primary elections and nominations thereunder.

**Killed.** 

---

House Bill No. 106, An Act relating to liens on real estate for assistance to permanently and totally disabled.

**Engrossed.**

**Chapter 113, Laws of 1957.**

House Bill No. 107, An Act relative to adoption of minors, and aid to needy children.

**Engrossed.**

**Chapter 116, Laws of 1957.**

House Bill No. 108, An Act relative to the issuance of county bonds.

**Engrossed.**

**Chapter 109, Laws of 1957.**

House Bill No. 109, An Act relative to special windshield wipers on motor vehicles.

**Killed.** 

---

House Bill No. 110, An Act relative to so-called bob houses for ice fishing.

**Engrossed.**

**Chapter 82, Laws of 1957.**

House Bill No. 111, An Act relative to the salary of the Carroll county solicitor.

**Engrossed.**

**Chapter 34, Laws of 1957.**

House Bill No. 112, An Act relative to compensation of third member of appeals tribunal in public construction contracts.

**Engrossed.**

**Chapter 199, Laws of 1957.**

House Bill No. 113, An Act relative to the examination and licensing of electricians.

**Killed.** 

---

House Bill No. 114, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission.

**Killed.** 

---

House Bill No. 115, An Act relative to the manufacture, transportation and sale of table wines.

**Killed.** 

---

House Bill No. 116, An Act relative to fishing, sale of bait and hunting and fishing licenses for members of the armed forces and military personnel.

**Engrossed.**

**Chapter 267, Laws of 1957.**

House Bill No. 117, An Act to create a board of examiners of psychologists and to certify psychologists.

**Engrossed.**

**Chapter 121, Laws of 1957.**

House Bill No. 118, An Act to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission.

**Killed.** 

---

House Bill No. 119, An Act relative prohibiting certain lights along a highway.

**Engrossed.**

**Chapter 159, Laws of 1957.**

House Bill No. 120, An Act relative to counting ballots at primary or biennial elections.

**Killed.** 

---

House Bill No. 121, An Act relating to municipal water works.

**Engrossed.**

**Chapter 142, Laws of 1957.**

House Bill No. 122, An Act relative to payment of unemployment benefits at the local district offices.

**Killed.** 

---

House Bill No. 123, An Act relative to the computation of tax on legacies and successions, where property is held jointly.

**Engrossed.**

**Chapter 150, Laws of 1957.**



House Bill No. 124, An Act relative to motor vehicle driver training.

**Engrossed.**

**Chapter 292, Laws of 1957.**

House Bill No. 125, An Act relative to age limits for laws on delinquent children.

**Killed.** 

---

House Bill No. 126, An Act relative to keeping motor vehicles free from obstructions of ice and snow.

**Killed.** 

---

House Bill No. 127, An Act relative to duties of tax commission in equalization of taxes.

**Engrossed.**

**Chapter 102, Laws of 1957.**

House Bill No. 128, An Act in relation to the powers of the state board of education over nurse education.

**Killed.** 

---

House Bill No. 129, An Act in relation to the board of nursing education and nurse registration.

**Killed.** 

---

House Bill No. 130, An Act to clarify the relationship between the board of nursing education and the state department of education and to provide for the acceptance of federal aid for practical nurse training.

**Engrossed.**

**Chapter 195, Laws of 1957.**

House Bill No. 131, An Act relating to the reporting of joint bank deposits for legacy and succession tax purposes.

**Engrossed.**

**Chapter 22, Laws of 1957.**

House Bill No. 132, An Act establishing the militia.

**Engrossed.**

**Chapter 147, Laws of 1957.**

House Bill No. 133, An Act to provide for the registration of private nursery schools.

**Engrossed.**

**Chapter 282, Laws of 1957.**

House Bill No. 131, An Act to establish uniform minimum compensation for the maintenance and care of dependent children in homes for children.

**Killed.** \_\_\_\_\_

House Bill No. 135, An Act relative to income tax.

**Killed.** \_\_\_\_\_

House Bill No. 136, An Act relating to the salary of the justice of Haverhill municipal court.

**Engrossed.**

**Chapter 66, Laws of 1957.**

House Bill No. 137, An Act relative to sick leave for state employees.

**Killed.** \_\_\_\_\_

House Bill No. 138, An Act legalizing the proceedings of the biennial town meeting in the town of Sanbornton.

**Engrossed.**

**Chapter 374, Laws of 1957.**

House Bill No. 139, An Act relating to tuition of elementary and high schools.

**Engrossed.**

**Chapter 52, Laws of 1957.**

House Bill No. 140, An Act providing for the registration of plumbers.

**Killed.** \_\_\_\_\_

House Bill No. 141, An Act relative to possession of wild deer meat.

**Engrossed.**

**Chapter 250, Laws of 1957.**

House Bill No. 142, An Act relative to taxation of real estate and personal property.

**Engrossed.**

**Chapter 202, Laws of 1957.**

House Bill No. 143, An Act relative to limitations on investments of savings banks.

**Killed.** \_\_\_\_\_

House Bill No. 144, An Act relative to the sale of drugs.

**Engrossed.**

**Chapter 72, Laws of 1957.**

House Bill No. 145, An Act legalizing the biennial election, 1956, in the town of Weare.

**Engrossed.**

**Chapter 375, Laws of 1957.**

House Bill No. 146, An Act providing for an additional member of the state board of health.

**Killed.** \_\_\_\_\_

House Bill No. 147, An Act extending the period of application for copies of the Revised Statutes Annotated by members of the nineteen fifty-five session of the General Court.

**Engrossed.**

**Chapter 75, Laws of 1957.**

House Bill No. 148, An Act relating to fees for guide licenses.

**Killed.** \_\_\_\_\_

House Bill No. 149, An Act relative to fish and game license fees.

**Killed.** \_\_\_\_\_

House Bill No. 150, An Act relative to taking of wild deer on islands by bow and arrow.

**Killed.** \_\_\_\_\_

House Bill No. 151, An Act to promote the discovery of truth.

**Killed.** \_\_\_\_\_

House Bill No. 152, An Act in relation to the profession of nursing.

**Killed.** \_\_\_\_\_

House Bill No. 153, An Act granting prior teaching service credit to certain personnel of the state department of education in the state employees' retirement system.

**Killed.** \_\_\_\_\_

House Bill No. 154, An Act relating to the equipment of motor buses.

**Engrossed.**

**Chapter 191, Laws of 1957.**

House Bill No. 155, An Act authorizing special number plates for deputy sheriffs.

**Engrossed.**

**Chapter 136, Laws of 1957.**

House Bill No. 156, An Act relating to disposal of road-side brush.

**Engrossed.**

**Chapter 21, Laws of 1957.**

House Bill No. 157, An Act authorizing the licensing of dog races on which the pari-mutuel system of betting shall be permitted.

**Killed.** 

---

House Bill No. 158, An Act relative to membership in board of trustees of state employee retirement system.

**Killed.** 

---

House Bill No. 159, An Act to authorize the issuance of call bonds by municipalities.

**Engrossed.**

**Chapter 103, Laws of 1957.**

House Bill No. 160, An Act relative to reimbursement of municipalities for forest fire expense.

**Engrossed.**

**Chapter 56, Laws of 1957.**

House Bill No. 161, An Act relating to fees of sheriffs and deputy sheriffs.

**Engrossed.**

**Chapter 123, Laws of 1957.**

House Bill No. 162, An Act relating to absentee voting.

**Engrossed.**

**Chapter 143, Laws of 1957.**

House Bill No. 163, An Act relative to town public official being barred from certain private dealings.

**Killed.** 

---

House Bill No. 164, An Act changing classification of the so-called Frazer Road.

**Engrossed.**

**Chapter 60, Laws of 1957.**

House Bill No. 165, An Act to provide state aid for nursing education.

**Engrossed.**

**Chapter 288, Laws of 1957.**

House Bill No. 166, An Act relative to the state emblem.  
**Engrossed.** **Chapter 107, Laws of 1957.**

House Bill No. 167, An Act relative to increase in fish and game fees.  
**Killed.** 

---

House Bill No. 168, An Act providing for released time from School attendance for religious education.  
**Killed.** 

---

House Bill No. 169, An Act relative to the promotion of certain employees in the city of Manchester.  
**Killed.** 

---

House Bill No. 170, An Act relative to the filing of declarations of candidacy.  
**Engrossed.** **Chapter 61, Laws of 1957.**

House Bill No. 171, An Act changing classification of a road in Groton.  
**Engrossed.** **Chapter 104, Laws of 1957.**

House Bill No. 172, An Act relative to lump sum settlements of workmen's compensation claims.  
**Killed.** 

---

House Bill No. 173, An Act relative to apportionment of expenses for forest fires.  
**Engrossed.** **Chapter 94, Laws of 1957.**

House Bill No. 174, An Act providing for the classification of Dalton Brook and Messer Brook watersheds.  
**Engrossed.** **Chapter 45, Laws of 1957.**

House Bill No. 175, An Act providing for the classification of Ossipee and Little Ossipee River Watersheds.  
**Engrossed.** **Chapter 46, Laws of 1958.**

House Bill No. 176, An Act relative to years of service under employees' retirement system.  
**Killed.** 

---

House Bill No. 177, An Act relative to interstate compact on mental health.

**Killed.** 

---

House Bill No. 178, An Act relative to reimbursement for forest fire expenses.

**Engrossed.**

**Chapter 212, Laws of 1957.**

House Bill No. 179, An Act relative to exemptions under motor vehicle road toll law.

**Engrossed.**

**Chapter 203, Laws of 1957.**

House Bill No. 180, An Act to change the name and amend the charter of St. Mary's School.

**Engrossed.**

**Chapter 385, Laws of 1957.**

House Bill No. 181, An Act relative to the location of cemeteries.

**Killed.** 

---

House Bill No. 182, An Act to establish the rights and qualification of nonresident real estate owners to vote.

**Killed.** 

---

House Bill No. 183, An Act relative to the registration of real estate brokers and salesmen.

**Killed.** 

---

House Bill No. 184, An Act relative to the taking of pheasants.

**Engrossed.**

**Chapter 80, Laws of 1957.**

House Bill No. 185, An Act relative to group life insurance limits — model definition.

**Killed.** 

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House Bill No. 186, An Act relative to form of state budget and request by state agencies for appropriations and capital improvements.

**Engrossed.**

**Chapter 173, Laws of 1957.**

House Bill No. 187, An Act to redistrict the state into senatorial districts.

**Referred to Special Committee of Senate.** 

---

House Bill No. 188, An Act to authorize service of process upon nonresidents and provide indemnity by state contractors for personal injuries and property damage.

**Killed.** 

---

House Bill No. 189, An Act relative to issuance of liquor licenses for hotels in the town of Hampton.

**Killed.** 

---

House Bill No. 190, An Act increasing the jurisdiction of municipal courts in small claims.

**Engrossed.**

**Chapter 35, Laws of 1957.**

House Bill No. 191, An Act to increase salaries of justices of the supreme and superior courts.

**Engrossed.**

**Chapter 68, Laws of 1957.**

House Bill No. 192, An Act relating to fraudulent checks issued in payment for services.

**Engrossed.**

**Chapter 137, Laws of 1957.**

House Bill No. 193, An Act relating to committal to jail for non-payment of taxes.

**Engrossed.**

**Chapter 41, Laws of 1957.**

House Bill No. 194, An Act abolishing the civil and criminal jurisdiction of justices of the peace.

**Engrossed.**

**Chapter 244, Laws of 1957.**

House Bill No. 195, An Act establishing a comprehensive system of district courts.

**Killed.** 

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House Bill No. 196, An Act relative to public employment.

**Killed.** 

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House Bill No. 197, An Act relative to divorce decrees.

**Killed.** 

---

House Bill No. 198, An Act relative to replacement in and extension of the heating plant system at the University of New Hampshire.

**Engrossed.**

**Chapter 248, Laws of 1957.**

House Bill No. 199, An Act relative to jurisdiction under the workmen's compensation act.

**Killed.** 

---

House Bill No. 200, An Act relating to acknowledgments.

**Engrossed.**

**Chapter 54, Laws of 1957.**

House Bill No. 201, An Act relative to permits to replace utility poles.

**Killed.** 

---

House Bill No. 202, An Act relating to enforcement of support.

**Engrossed.**

**Chapter 53, Laws of 1957.**

House Bill No. 203, An Act to provide for the appointment of not more than ten assistant school superintendents.

**Killed.** 

---

House Bill No. 204, An Act relative to the establishment of recreational roads.

**Killed.** 

---

House Bill No. 205, An Act relative to compulsory motor vehicle liability insurance.

**Killed.** 

---

House Bill No. 206, An Act relative to The Littleton Savings Bank.

**Engrossed.**

**Chapter 384, Laws of 1957.**

House Bill No. 207, An Act relative to the salary of the justice of the Salem municipal court.

**Engrossed.**

**Chapter 83, Laws of 1957**

House Bill No. 208, An Act relative to registration of motor boats and outboard motors.

**Killed.** 

---



House Bill No. 209, An Act relative to the clerk's fee for issuing certificate of conformity to requirements of marriage intentions notice.

**Killed.** 

---

House Bill No. 210, An Act relative to chattel mortgages and conditional sales contracts.

**Killed.** 

---

House Bill No. 211, An Act providing for a deputy commissioner of education.

**Engrossed.**

**Chapter 90, Laws of 1957.**

House Bill No. 212, An Act relating to the construction of state armories.

**Engrossed.**

**Chapter 70, Laws of 1957.**

House Bill No. 213, An Act relating to age of committal to the state industrial school.

**Engrossed.**

**Chapter 124, Laws of 1957.**

House Bill No. 214, An Act relative to the powers of village precinct of Hanover to install parking meters and to incur indebtedness for off-street parking facilities.

**Engrossed.**

**Chapter 392, Laws of 1957.**

House Bill No. 215, An Act relative to compulsory tests for intoxication.

**Killed.** 

---

House Bill No. 216, An Act relative to the construction of two buildings for instructional purposes and the remodeling of certain present buildings at the University of New Hampshire.

**Engrossed.**

**Chapter 247, Laws of 1957.**

House Bill No. 217, An Act relating to school building aid.

**Engrossed.**

**Chapter 301, Laws of 1957.**

House Bill No. 218, An Act relative to fees for funeral directors and embalmers.

**Engrossed.**

**Chapter 77, Laws of 1957.**

House Bill No. 219, An Act relative to payment of licensing fees for dogs and to killing unlicensed dogs.

**Killed.** 

---

House Bill No. 220, An Act relative to trustee process.

**Engrossed.** **Chapter 55, Laws of 1957.**

House Bill No. 221, An Act relative to the Laconia Home for the Aged.

**Engrossed.** **Chapter 403, Laws of 1957.**

House Bill No. 222, An Act for additional appropriation for the dormitory for women at the university.

**Engrossed.** **Chapter 16, Laws of 1957.**

House Bill No. 223, An Act relative to the construction of a dormitory for men at the University of New Hampshire, and to be liquidated from income.

**Engrossed.** **Chapter 242, Laws of 1957.**

House Bill No. 224, An Act relative to the Bristol village fire precinct.

**Engrossed.** **Chapter 378, Laws of 1957.**

House Bill No. 225, An Act relative to the interstate compact on juveniles.

**Engrossed.** **Chapter 174, Laws of 1957.**

House Bill No. 226, An Act relative to town appropriations for band concerts.

**Engrossed.** **Chapter 85, Laws of 1957.**

House Bill No. 227, An Act changing the name of Bog pond in the town of Andover to Blackwater pond.

**Engrossed.** **Chapter 62, Laws of 1957.**

House Bill No. 228, An Act relative to the salaries of the justices and special justice of Hampton municipal court.

**Engrossed.** **Chapter 125, Laws of 1957.**

House Bill No. 229, An Act providing for special non-resident student hunting licenses.

**Killed.** 

---

House Bill No. 230, An Act relative to sale of liquor and beverages by administrators and others in certain cases.

**Engrossed.**

**Chapter 28, Laws of 1957.**

House Bill No. 231, An Act relative to sale of electrical appliances.

**Engrossed.**

**Chapter 192, Laws of 1957.**

House Bill No. 232, An Act relative to payment of burial expenses under Workmen's Compensation.

**Killed.** 

---

House Bill No. 233, An Act relating to conduct after a motor vehicle accident.

**Engrossed.**

**Chapter 144, Laws of 1957.**

House Bill No. 234, An Act relative to liability of parents for destruction of property by juveniles.

**Killed.** 

---

House Bill No. 235, An Act providing penalty for false bomb scares.

**Killed.** 

---

House Bill No. 236, An Act relative to convicting uninsured motorists and the disposal of fines therefrom.

**Engrossed.**

**Chapter 305, Laws of 1957.**

House Bill No. 237, An Act extending road in Warner.

**Engrossed.**

**Chapter 193, Laws of 1957.**

House Bill No. 238, An Act relative to operation of motor vehicles at intersecting roads.

**Killed.** 

---

House Bill No. 239, An Act relative to motor vehicle probationary licenses.

**Killed.** 

---

House Bill No. 240, An Act relative to railroad employees' safety.

**Killed.** 

---

House Bill No. 241, An Act relating to wilful concealment of merchandise in stores.

**Engrossed.**

**Chapter 81, Laws of 1957.**

House Bill No. 242, An Act relative to folding and depositing ballots at elections.

**Killed.** \_\_\_\_\_

House Bill No. 243, An Act relative to state employees annual and sick leave.

**Killed.** \_\_\_\_\_

House Bill No. 244, An Act relative to imposing head tax on certain nonresidents working within the state.

**Killed.** \_\_\_\_\_

House Bill No. 245, An Act to authorize the school district of Pelham to exceed its limit of bonded indebtedness.

**Engrossed.**

**Chapter 381, Laws of 1957.**

House Bill No. 246, An Act to repeal the classification of Little Sugar River under the water pollution law.

**Killed.** \_\_\_\_\_

House Bill No. 247, An Act relating to disqualification for employment by a city.

**Killed** \_\_\_\_\_

House Bill No. 248, An Act relative to appointment of police commissioners for the city of Rochester.

**Killed.** \_\_\_\_\_

House Bill No. 249, An Act providing for an assistant solicitor and investigator for the Hillsborough County Solicitor.

**Engrossed.**

**Chapter 263, Laws of 1957.**

House Bill No. 250, An Act relative to salary and expenses of sheriff of Sullivan County.

**Killed.** \_\_\_\_\_

House Bill No. 251, An Act to define the powers of the finance commission for the city of Manchester.

**Killed.** \_\_\_\_\_

House Bill No. 252, An Act providing for an official state bird.

**Engrossed.**

**Chapter 87, Laws of 1957.**

House Bill No. 253, An Act relative to hunting accidents.

**Killed.** \_\_\_\_\_

House Bill No. 254, An Act requiring proof of ownership in the transportation of Christmas trees and Christmas greens on public highways.

**Engrossed.**

**Chapter 138, Laws of 1957.**

House Bill No. 255, An Act transferring the administration of motor carriers of property and motor carriers of passengers to the motor vehicle department.

**Killed.** \_\_\_\_\_

House Bill No. 256, An Act relative to advertising by motels, cabins and motor courts.

**Killed.** \_\_\_\_\_

House Bill No. 257, An Act relative to bounties on porcupines.

**Killed.** \_\_\_\_\_

House Bill No. 258, An Act relative to longevity payments to state employees.

**Killed.** \_\_\_\_\_

House Bill No. 259, An Act relative to aquatic nuisance control.

**Killed.** \_\_\_\_\_

House Bill No. 260, An Act relative to commercial pension funds and trustee welfare funds.

**Referred to Legislative Council.** \_\_\_\_\_

House Bill No. 261, An Act relative to prohibitions against hunting on certain lands.

**Killed.** 

---

House Bill No. 262, An Act relative to use of fluorine in public water supplies.

**Engrossed.**

**Chapter 306, Laws of 1957.**

House Bill No. 263, An Act relative to converting the so-called Winant House into a residence for the governor.

**Killed.** 

---

House Bill No. 264, An Act relating to the classification of Ammonoosuc River and its tributaries.

**Killed.** 

---

House Bill No. 265, An Act relative to the Gafney Home for the Aged.

**Engrossed.**

**Chapter 393, Laws of 1957**

House Bill No. 266, An Act prohibiting open season for taking beaver in counties of Grafton, Coos and Carroll.

**Killed.** 

---

House Bill No. 267, An Act relative to the regulation and licensing of coin operated machines.

**Killed.** 

---

House Bill No. 268, An Act increasing the salary of the justice of the municipal courts of Rochester, Derry and Exeter.

**Engrossed.**

**Chapter 243, Laws of 1957.**

House Bill No. 269, An Act relative to the construction, reconstruction and betterment of Class I, II, IV and V highways.

**Engrossed.**

**Chapter 273, Laws of 1957.**

House Bill No. 270, An Act modifying the New Hampshire Teachers' Retirement System and integrating its benefits with Federal Old-Age and Survivors' Insurance benefits.

**Engrossed.**

**Chapter 48, Laws of 1957.**

House Bill No. 271, An Act appropriating additional sums for aid to school districts and the University of New Hampshire and for increasing the general funds of the state.

**Killed.** 

---

House Bill No. 272, An Act relating to the equipment of rail track motor cars used, or furnished by common carriers by railroad for transporting employees.

**Killed.** 

---

House Bill No. 273, An Act repealing certain provisions relative to seed trees after cutting timber.

**Killed.** 

---

House Bill No. 274, An Act relative to powers and duties of arborists.

**Engrossed.**

**Chapter 73, Laws of 1957.**

House Bill No. 275, An Act relative to taking brook trout.

**Killed.** 

---

House Bill No. 276, An Act relative to justices of the Laconia municipal court.

**Engrossed.**

**Chapter 175, Laws of 1957.**

House Bill No. 277, An Act relative to the government of town and school meetings.

**Engrossed.**

**Chapter 84, Laws of 1957.**

House Bill No. 278, An Act relative to special parking privileges for persons with so-called walking disability.

**Engrossed.**

**Chapter 160, Laws of 1957.**

House Bill No. 279, An Act providing for scholarships at the University of New Hampshire.

**Killed.** 

---

House Bill No. 280, An Act repealing the provisions of the Fair Trade Law.

**Killed.** 

---

House Bill No. 281, An Act relative to medical referees.

**Killed.** 

---

House Bill No. 282, An Act relative to the responsibility of parents.

**Killed.** 

---

House Bill No. 283, An Act relative to carrying certain passengers in trucks.

**Engrossed.**

**Chapter 161, Laws of 1957.**

House Bill No. 284, An Act relative to the open season for taking fur-bearing animals.

**Engrossed.**

**Chapter 151, Laws of 1957.**

House Bill No. 285, An Act relative to the misuse of motor vehicle number plates.

**Engrossed.**

**Chapter 168, Laws of 1957.**

House Bill No. 286, An Act relating to disabled veterans hunting from motor vehicles.

**Engrossed.**

**Chapter 188, Laws of 1957.**

House Bill No. 287, An Act relative to meetings of the Council of Portsmouth.

**Engrossed.**

**Chapter 394, Laws of 1957.**

House Bill No. 288, An Act relative to preparation and posting of check lists in the city of Portsmouth.

**Engrossed.**

**Chapter 399, Laws of 1957.**

House Bill No. 289, An Act relative to publication of ordinances of Portsmouth.

**Engrossed.**

**Chapter 400, Laws of 1957.**

House Bill No. 290, An Act providing for salaries of unclassified state officials, and establishing certain positions.

**Killed.** 

---

House Bill No. 291, An Act providing for salaries for classified state employees, and salaries of unclassified state officials.

**Engrossed.**

**Chapter 274, Laws of 1957.**



House Bill No. 292, An Act relative to purchasing liability insurance at state recreation facilities.

**Killed.** 

---

House Bill No. 293, An Act relating to revocation of automobile licenses.

**Killed.** 

---

House Bill No. 294, An Act relative to positions in the service of the city of Portsmouth.

**Killed.** 

---

House Bill No. 295, An Act relative to merit system of personnel in the service of the city of Portsmouth.

**Killed.** 

---

House Bill No. 296, An Act relative to membership on personnel advisory board in the city of Portsmouth.

**Killed.** 

---

House Bill No. 297, An Act relative to conveyance of land to the town of Nottingham.

**Engrossed.**

**Chapter 318, Laws of 1957.**

House Bill No. 298, An Act to enforce safety sanitation and adequate shelter for railroad employees.

**Killed.** 

---

House Bill No. 299, An Act relative to benefits under policemen's retirement system.

**Engrossed.**

**Chapter 189, Laws of 1957.**

House Bill No. 300, An Act providing for a first-aid room in the state house.

**Engrossed.**

**Chapter 245, Laws of 1957.**

House Bill No. 301, An Act relative to the salary of the clerk of Claremont municipal court.

**Killed.** 

---

House Bill No. 302, An Act relative to the salary of the mayor, aldermen and members of the school committee of the city of Manchester.

**Engrossed.**

**Chapter 437, Laws of 1957.**

House Bill No. 303, An Act relative to educational facilities for intellectually retarded children.

**Engrossed.**

**Chapter 196, Laws of 1957.**

House Bill No. 304, An Act relative to throwing, depositing and dumping of refuse.

**Killed.** \_\_\_\_\_

House Bill No. 305, An Act relative to minimum wage law.

**Engrossed.**

**Chapter 311, Laws of 1957.**

House Bill No. 306, An Act relative to salaries of ward selectmen and ward clerks in the city of Manchester.

**Killed.** \_\_\_\_\_

House Bill No. 307, An Act relative to tuition payments at the teachers colleges.

**Killed.** \_\_\_\_\_

House Bill No. 308, An Act relative to the registration of motor buses which are operated both within and without the state and the registration fees thereon.

**Killed.** \_\_\_\_\_

House Bill No. 309, An Act relative to holding caucuses during December prior to the convening of the general court.

**Killed.** \_\_\_\_\_

House Bill No. 310, An Act requiring the inspection of railroad main line tracks to prevent accidents.

**Killed.** \_\_\_\_\_

House Bill No. 311, An Act relative to applications for licenses for running or harness horse races.

**Killed.** \_\_\_\_\_

House Bill No. 312, An Act relative to rights of retired state employees.

**Killed.** \_\_\_\_\_

House Bill No. 313, An Act relative to the salaries of the justice and clerk of the municipal court of Dover.

**Engrossed.**

**Chapter 234, Laws of 1957.**

House Bill No. 314, An Act relative to salaries of classified and unclassified state employees and officials.

**Killed.** \_\_\_\_\_

House Bill No. 315, An Act relative to licenses to hunt.

**Killed.** \_\_\_\_\_

House Bill No. 316, An Act relative to code of ethics for public officers and relative to certain prohibited practices.

**Killed.** \_\_\_\_\_

House Bill No. 317, An Act relative to an appropriation for matching town funds for airport construction.

**Engrossed.** Chapter 319, Laws of 1957.

House Bill No. 318, An Act relative to establishing a road through Wadleigh Park in Sutton as a recreational road.

**Engrossed.** Chapter 162, Laws of 1957.

House Bill No. 319, An Act relative to compensation for deputy registers of probate.

**Killed.** \_\_\_\_\_

House Bill No. 320, An Act relative to road toll on interstate motor carriers of passengers.

**Killed.** \_\_\_\_\_

House Bill No. 321, An Act relative to minimum wages of employees engaged in construction of school buildings or additions thereto.

**Killed.** \_\_\_\_\_

House Bill No. 322, An Act relating to the conduct of sweepstake races and the sale of tickets thereon.

**Killed.** \_\_\_\_\_

House Bill No. 323, An Act increasing agent's fees for issuing fish and game licenses.

**Killed.** \_\_\_\_\_

House Bill No. 324, An Act relative to taking of clams.

**Engrossed.** Chapter 251, Laws of 1957.

House Bill No. 325, An Act relative to hunting in the southern part of the state.

**Killed.** 

---

House Bill No. 326, An Act relative to liens for labor and materials.

**Killed.** 

---

House Bill No. 327, An Act relative to a certain highway in the town of Lincoln, Livermore, Waterville, Albany and Conway.

**Engrossed.**

**Chapter 268, Laws of 1957.**

House Bill No. 328, An Act relative to operation of motor vehicles when approaching a blind pedestrian with a seeing eye dog on crosswalks.

**Engrossed.**

**Chapter 184, Laws of 1957.**

House Bill No. 329, An Act relative to veterans service officer.

**Killed.** 

---

House Bill No. 330, An Act relative to balloting for town manager.

**Engrossed.**

**Chapter 152, Laws of 1957.**

House Bill No. 331, An Act relative to powers of mayor and aldermen over finance commission in the city of Manchester.

**Engrossed.**

**Chapter 434, Laws of 1957.**

House Bill No. 332, An Act relative to hospital licensing.  
**Killed.**

House Bill No. 333, An Act relative to mileage allowance for members of the general court.

**Engrossed.**

**Chapter 272, Laws of 1957.**

House Bill No. 334, An Act to provide revenue for cities and towns.

**Killed.** 

---

House Bill No. 335, An Act relative to the state's share of the school superintendents' salaries.

**Engrossed.**

**Chapter 252, Laws of 1957.**

House Bill No. 336, An Act relative to disqualification of certain election officials in the counting of ballots.

**Killed.** \_\_\_\_\_

House Bill No. 337, An Act relative to certification by notary public in absentee voting.

**Killed.** \_\_\_\_\_

House Bill No. 338, An Act to establish the city of Lebanon.

**Engrossed.**

**Chapter 419, Laws of 1957.**

House Bill No. 339, An Act relative to the government of the city of Concord.

**Engrossed.**

**Chapter 429, Laws of 1957.**

House Bill No. 340, An Act relating to discrimination because of race, creed, ancestry or national origin in employment and place of public accommodation.

**Referred to Judicial Council.** \_\_\_\_\_

House Bill No. 341, An Act relative to operation of trains at railroad crossings.

**Killed.** \_\_\_\_\_

House Bill No. 342, An Act relative to taxation of legacies and successions.

**Killed.** \_\_\_\_\_

House Bill No. 343, An Act relative to milk control in the state.

**Killed.** \_\_\_\_\_

House Bill No. 344, An Act relative to the compensation of legislative attaches.

**Engrossed.**

**Chapter 314, Laws of 1957.**

House Bill No. 345, An Act establishing the advisory committee on shore fisheries.

**Engrossed.**

**Chapter 176, Laws of 1957.**

House Bill No. 346, An Act relative to members of the general court drawing unemployment compensation benefits.

**Killed.** 

---

House Bill No. 347, An Act abolishing the law relative to political expenditures.

**Killed.**

House Bill No. 348, An Act relative to a road from Canaan Center to Lyme Center.

**Killed.** 

---

House Bill No. 349, An Act relative to insertion of additional information on motor vehicle operator's licenses and fish and game licenses.

**Engrossed.**

**Chapter 177, Laws of 1957.**

House Bill No. 350, An Act relative to borrowing capacity of cooperative school districts.

**Engrossed.**

**Chapter 126, Laws of 1957.**

House Bill No. 351, An Act relative to the salary of the justice of the Pittsfield municipal court.

**Killed.** 

---

House Bill No. 352, An Act legalizing the proceeding of the town meeting held in Atkinson, March 12, 1957.

**Engrossed.**

**Chapter 396, Laws of 1957.**

House Bill No. 353, An Act legalizing the annual town meeting held in the town of Lyndeborough, March 12, 1957.

**Engrossed.**

**Chapter 388, Laws of 1957.**

House Bill No. 354, An Act relative to transfer of administration of laws relative to boat registration from public utilities to department of fish and game.

**Killed.** 

---

House Bill No. 355, An Act relative to employment in the state personnel system.

**Killed.** 

---

House Bill No. 356, An Act relative to description of land taken for highway purposes.

**Killed.** 

---

House Bill No. 357, An Act providing a uniform season for taking wild deer.

**Engrossed.**

**Chapter 253, Laws of 1957.**

House Bill No. 358, An Act repealing the provisions setting up the legislative council.

**Killed.** 

---

House Bill No. 359, An Act defining agricultural farming and farm under the motor vehicle laws.

**Engrossed.**

**Chapter 283, Laws of 1957.**

House Bill No. 360, An Act relative to appropriations for capital improvements or the issuance of bonds in the city of Laconia.

**Engrossed.**

**Chapter 410, Laws of 1957.**

House Bill No. 361, An Act providing for an additional appropriation for expenses of the legislature.

**Engrossed.**

**Chapter 42, Laws of 1957.**

House Bill No. 362, An Act relative to state aid to school districts.

**Engrossed.**

**Chapter 302, Laws of 1957.**

House Bill No. 363, An Act relative to unemployment compensation for lease-purchase contract on behalf of the state for an office building for the division of employment security.

**Engrossed.**

**Chapter 163, Laws of 1957.**

House Bill No. 364, An Act relative to the maintenance of artificial appliances furnished injured workmen under the workmen's compensation law.

**Killed.** \_\_\_\_\_

House Bill No. 365, An Act changing classification of Lempster road.

**Engrossed.**

**Chapter 145, Laws of 1957.**

House Bill No. 366, An Act extending the power of the director of fish and game to making regulations for taking of wild deer.

**Killed.** \_\_\_\_\_

House Bill No. 367, An Act relative to salaries of members of Manchester school committee.

**Killed.** \_\_\_\_\_

House Bill No. 368, An Act prohibiting the use of glass containers for the sale of gasoline.

**Killed.** \_\_\_\_\_

House Bill No. 369, An Act providing a special season for taking black bass with artificial flies only.

**Killed.** \_\_\_\_\_

House Bill No. 370, An Act relative to the designation of a Class I highway in Walpole.

**Engrossed.**

**Chapter 127, Laws of 1957.**

House Bill No. 371, An Act relative to disposition of fines imposed on appeal to superior court involving fish and game and motor vehicle violations.

**Engrossed.**

**Chapter 110, Laws of 1957.**

House Bill No. 372, An Act relative to the salary of the Merrimack County solicitor.

**Killed.** \_\_\_\_\_



House Bill No. 373, An Act to provide for a farm registration for motor trucks and semi-trailers when used exclusively on farm purposes.

**Engrossed.**

**Chapter 235, Laws of 1957.**

House Bill No. 374, An Act relative to interest charges on judgments or awards in certain civil cases.

**Engrossed.**

**Chapter 201, Laws of 1957.**

House Bill No. 375, An Act adopting the interpleader compact.

**Engrossed.**

**Chapter 128, Laws of 1957.**

House Bill No. 376, An Act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

**Engrossed.**

**Chapter 293, Laws of 1957.**

House Bill No. 377, An Act relative to investigation of subversive activities.

**Engrossed.**

**Chapter 178, Laws of 1957.**

House Bill No. 378, An Act relative to penalty for violating parking signs at court house property.

**Killed.** \_\_\_\_\_

House Bill No. 379, An Act relative to preparing and distributing a peace officer's manual.

**Engrossed.**

**Chapter 205, Laws of 1957.**

House Bill No. 380, An Act relative to reports by labor unions of receipts and expenditures.

**Killed.** \_\_\_\_\_

House Bill No. 381, An Act relative to call and demand transportation of passengers by motor vehicles.

**Engrossed.**

**Chapter 308, Laws of 1957.**

House Bill No. 382, An Act relative to registers to be kept of guests at camps.

**Killed.** \_\_\_\_\_

House Bill No. 383, An Act providing for retirement benefits for widows and mothers of policemen.

**Killed.** 

---

House Bill No. 384, An Act relating to taxation in Pittsburgh and Clarksville.

**Engrossed.**

**Chapter 294, Laws of 1957.**

House Bill No. 385, An Act relating to access to Silver Lake.

**Killed.** 

---

House Bill No. 386, An Act relative to appropriations for the department of public works and highways.

**Killed.** 

---

House Bill No. 387, An Act to amend certain provisions relating to railroad fares and conduct of railroad passengers.

**Engrossed.**

**Chapter 111, Laws of 1957.**

House Bill No. 388, An Act establishing the New Hampshire State Port Authority.

**Engrossed.**

**Chapter 262, Laws of 1957.**

House Bill No. 389, An Act to provide for the establishment of insect and pest control districts.

**Engrossed.**

**Chapter 179, Laws of 1957.**

House Bill No. 390, An Act relative to appointment of a chief of police.

**Engrossed.**

**Chapter 206, Laws of 1957.**

House Bill No. 391, An Act relating to the registration of voters in the city of Portsmouth.

**Killed.** 

---

House Bill No. 392, An Act requiring a new registration of voters in the city of Portsmouth every four years.

**Killed.** 

---

House Bill No. 393, An Act relative to the charter of the city of Portsmouth.

**Engrossed.**

**Chapter 412, Laws of 1957.**

House Bill No. 394, An Act relative to the abatement of taxes.

**Killed.** 

---

House Bill No. 395, An Act relative to Belknap recreational area.

**Engrossed.**

**Chapter 420, Laws of 1957.**

House Bill No. 396, An Act relative to destruction of records in connection with commission of minor crimes.

**Killed.** 

---

House Bill No. 397, An Act relative to recreational roads at Bear Brook State Reservation.

**Killed.** 

---

House Bill No. 398, An Act relative to members of interstate commissions, and retirement benefits therefor.

**Engrossed.**

**Chapter 207, Laws of 1957.**

House Bill No. 399, An Act to authorize the employment of an additional assistant attorney-general and clerical assistance for the law department.

**Engrossed.**

**Chapter 315, Laws of 1957.**

House Bill No. 400, An Act relative to establishment of a board of institutions, corrections and hospitals.

**Engrossed.**

**Chapter 164, Laws of 1957.**

House Bill No. 401, An Act relative to vicious dogs.

**Engrossed.**

**Chapter 148, Laws of 1957.**

House Bill No. 402, An Act relative to exemption from the stock-in-trade tax.

**Referred to the Legislative Council.** 

---

House Bill No. 403, An Act relative to transfer of permanent motor vehicle inspectors who are present members of the state employee's retirement system to the policemen's retirement system.

**Killed.** 

---

House Bill No. 404, An Act relative to issuance of hotel liquor licenses in towns voting against the sale of malt beverages.

**Killed.** 

---

House Bill No. 405, An Act relative to annual returns of business corporations.

**Engrossed.**

**Chapter 180, Laws of 1957.**

House Bill No. 406, An Act to establish the New Hampshire distributing agency.

**Engrossed.**

**Chapter 284, Laws of 1957.**

House Bill No. 407, An Act to revise the charter of the city of Rochester.

**Engrossed.**

**Chapter 427, Laws of 1957.**

House Bill No. 408, An Act increasing the salaries of state employees.

**Killed.** 

---

House Bill No. 409, An Act establishing a state council on the problems of the aging.

**Engrossed.**

**Chapter 264, Laws of 1957.**

House Bill No. 410, An Act granting zoning authority to the Kearsarge Lighting Precinct.

**Engrossed.**

**Chapter 408, Laws of 1957.**

House Bill No. 411, An Act relative to suspension of motor vehicle operators license for conviction of speeding.

**Killed.** 

---

House Bill No. 412, An Act relative to the police department of the town of Exeter.

**Engrossed.**

**Chapter 409, Laws of 1957.**

House Bill No. 413, An Act legalizing the school district meeting held in Hudson on March 16, 1957.

**Engrossed.**

**Chapter 405, Laws of 1957.**

House Bill No. 414, An Act relating to applications of minimum wage law to employees of homes for the aged.

**Killed.** 

---

House Bill No. 415, An Act relative to the exclusion of cost of sewage treatment works and sewerage systems from net indebtedness under the municipal finance act and increasing the state guarantee of municipal bonds issued for the construction of said projects.

**Engrossed.**

**Chapter 213, Laws of 1957.**

House Bill No. 416, An Act making appropriations for the expenses for the state of New Hampshire for the year ending June 30, 1958.

**Engrossed.**

**Chapter 320, Laws of 1957.**

House Bill No. 417, An Act making appropriations for the expenses for the state of New Hampshire for the year ending June 30, 1959.

**Engrossed.**

**Chapter 321, Laws of 1957.**

House Bill No. 418, An Act legalizing certain action taken by the town of Bristol and the Bristol fire precinct.

**Engrossed.**

**Chapter 406, Laws of 1957.**

House Bill No. 419, An Act relative to credit unions.

**Killed.** 

---

House Bill No. 420, An Act to promote the safety of the public in the use and operation of cable and rope devices for up-hill transportation of passengers.

**Engrossed.**

**Chapter 254, Laws of 1957.**

House Bill No. 421, An Act making appropriations for the governor's legal counsel.

**Engrossed.**

**Chapter 242, Laws of 1957.**

House Bill No. 422, An Act to amend the charter of the New Hampshire Antiquarian Society.

**Engrossed.**

**Chapter 421, Laws of 1957.**

House Bill No. 423, An Act relative to appropriations for the University of New Hampshire.

**Killed.** 

---

House Bill No. 424, An Act relative to ingress to the Everett Highway, also known as the Central New Hampshire Turnpike.

**Killed.** 

---

House Bill No. 425, An Act designating the House of Correction for Rockingham county as a jail for the confinement of prisoners.

**Killed.** 

---

House Bill No. 426, An Act relative to damages to motor vehicles resulting from collision with deer.

**Killed.** 

---

House Bill No. 427, An Act relative to liability of third persons under workmen's compensation law.

**Killed.** 

---

House Bill No. 428, An Act providing for a supplemental appropriation for the expenses of the legislature.

**Engrossed.**

**Chapter 119, Laws of 1957.**

House Bill No. 429, An Act relative to election campaign receipts and expenditures.

**Engrossed.**

**Chapter 303, Laws of 1957.**

House Bill No. 430, An Act relative to the school committee of Manchester.

**Killed.** 

---

House Bill No. 431, An Act legalizing a meeting of the Hillsborough county convention held March 25, 1957.

**Engrossed.**

**Chapter 404, Laws of 1957.**

House Bill No. 432, An Act providing for salaries for members of the Somersworth city council.

**Engrossed.** Chapter 432, Laws of 1957.

House Bill No. 433, An Act relative to Troy Water Works.

**Engrossed.** Chapter 418, Laws of 1957.

House Bill No. 434, An Act changing the name of a pond in the town of Middleton.

**Engrossed.** Chapter 255, Laws of 1957.

House Bill No. 435, An Act to abolish the Personnel Commission.

**Killed.** \_\_\_\_\_

House Bill No. 436, An Act relative to marriage of epileptic persons.

**Engrossed.** Chapter 275, Laws of 1957.

House Bill No. 437, An Act relative to annual salaries of the Carroll county commissioners.

**Engrossed.** Chapter 246, Laws of 1957.

House Bill No. 438, An Act relating to the Franklin police force.

**Engrossed.** Chapter 425, Laws of 1957.

House Bill No. 439, An Act relative to accident reports filed with the Public Utilities Commission.

**Killed.** \_\_\_\_\_

House Bill No. 440, An Act legalizing the action taken at the meeting of the Reed's Ferry village water and sewer district held March 25, 1957.

**Engrossed.** Chapter 417, Laws of 1957.

House Bill No. 441, An Act relative to constitutional amendment ballots.

**Engrossed.** Chapter 236, Laws of 1957.

House Bill No. 442, An Act relative to audits of the accounts of the city of Dover.

**Engrossed.** Chapter 428, Laws of 1957.

House Bill No. 443, An Act to repeal charters of certain corporations.

**Engrossed.**

**Chapter 424, Laws of 1957.**

House Bill No. 444, An Act relative to a study of procedures for making up check-lists.

**Engrossed.**

**Chapter 276, Laws of 1957.**

House Bill No. 445, An Act legalizing a certain budget hearing of the Carroll county convention and budget meetings held pursuant thereto.

**Engrossed.**

**Chapter 422, Laws of 1957.**

House Bill No. 446, An Act making temporary appropriations for the state of New Hampshire for the month of July, 1957.

**Engrossed.**

**Chapter 222, Laws of 1957.**

House Bill No. 447, An Act making appropriations for the expenses of the department of Public Works and Highways for the year ending June 30, 1958, and providing funds for highway improvements.

**Engrossed.**

**Chapter 289, Laws of 1957.**

House Bill No. 448, An Act making appropriations for the expenses of the department of Public Works and Highways for the year ending June 30, 1959, and providing funds for highway improvements.

**Engrossed.**

**Chapter 290, Laws of 1957.**

House Bill No. 449, An Act relative to agreements between towns in connection with federal or interstate flood control projects.

**Engrossed.**

**Chapter 287, Laws of 1957.**

House Bill No. 450, An Act relative to use of balance of certain bond issues of the city of Portsmouth.

**Engrossed.**

**Chapter 430, Laws of 1957.**

House Bill No. 451, An Act relating to the salaries of the board of supervisors of the city of Laconia.

**Engrossed.**

**Chapter 432, Laws of 1957.**



## HOUSE JOINT RESOLUTIONS

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House Joint Resolution No. 1, Joint Resolution in favor of Norman Purinton.

**Killed.** 

---

House Joint Resolution No. 2, Joint Resolution in favor of Louise A. Jones.

**Killed.** 

---

House Joint Resolution No. 3, Joint Resolution in favor of Michael P. O'Donnell of Manchester.

**Engrossed.** **Chapter 325, Laws of 1957.**

House Joint Resolution No. 4, Joint Resolution in favor of Alba Kern of Loudon.

**Killed.** 

---

House Joint Resolution No. 5, Joint Resolution for special appropriation for vocational rehabilitation.

**Engrossed.** **Chapter 323, Laws of 1957.**

House Joint Resolution No. 6, Joint Resolution for the purchase of state flags for the national guard.

**Killed.** 

---

House Joint Resolution No. 7, Joint Resolution in favor of John T. Keane.

**Engrossed.** **Chapter 331, Laws of 1957.**

House Joint Resolution No. 8, Joint Resolution in favor of Theodore F. Von Hagen.

**Engrossed.** **Chapter 332, Laws of 1957.**

House Joint Resolution No. 9, Joint Resolution in favor of Frederic C. Lund.

**Killed.** 

---

House Joint Resolution No. 10, Joint Resolution relative to ascertaining the desires of the people on the question of taxation.

**Killed.** 

---

House Joint Resolution No. 11, Joint Resolution in favor of certain towns in payment for porcupine bounties.

**Engrossed.**

**Chapter 333, Laws of 1957.**

House Joint Resolution No. 12, Joint Resolution relating to town of Gilsum.

**Engrossed.**

**Chapter 324, Laws of 1957.**

House Joint Resolution No. 13, Joint Resolution memorializing the Congress of the United States of America to propose an amendment to the Constitution of the United States with respect to the election of the president and vice president.

**Killed.** 

---

House Joint Resolution No. 14, Joint Resolution memorializing the Congress of the United States of America to propose an amendment to the Constitution of the United States relating to the procedure for amending the Constitution.

**Killed.** 

---

House Joint Resolution No. 15, Joint Resolution memorializing the Congress of the United States of America to propose an amendment to the Constitution of the United States relative to the balancing of the budget.

**Killed.** 

---

House Joint Resolution No. 16, Joint Resolution memorializing the Congress of the United States of America to propose an amendment to the Constitution of the United States relative to taxes on income, inheritance, and gifts.

**Killed.** 

---

House Joint Resolution No. 17, Joint Resolution memorializing the Congress of the United States of America to propose an amendment to the Constitution of the United States relating to the legal effect of certain treaties and other international agreements.

**Killed.** 

---

House Joint Resolution No. 18, Joint Resolution relative to lookout tower on Smarts Mountain.

**Killed.** 

---

House Joint Resolution No. 19, Joint Resolution in favor of Florence Smith.

**Engrossed.**

**Chapter 337, Laws of 1957.**

House Joint Resolution No. 20, Joint Resolution for appropriation to carry out provisions of statute relative to reciprocal agreements for educational facilities for New Hampshire residents.

**Engrossed.**

**Chapter 360, Laws of 1957.**

House Joint Resolution No. 21, Joint Resolution relative to aerial geophysical survey of portions of this state.

**Engrossed.**

**Chapter 328, Laws of 1957.**

House Joint Resolution No. 22, Joint Resolution in favor of Howard Cass.

**Engrossed.**

**Chapter 327, Laws of 1957.**

House Joint Resolution No. 23, Joint Resolution in favor of Harry L. Hurlbert.

**Engrossed.**

**Chapter 326, Laws of 1957.**

House Joint Resolution No. 24, Joint Resolution relative to eradication of ragweed.

**Killed.** 

---

House Joint Resolution No. 25, Joint Resolution in favor of Russell A. Mason.

**Killed.** 

---

House Joint Resolution No. 26, Joint Resolution in favor of George F. Ordway.

**Killed.** 

---

House Joint Resolution No. 27, Joint Resolution in favor of Neil B. Ordway.

**Killed.** 

---

House Joint Resolution No. 28, Joint Resolution in favor of Frederick W. Ordway.

**Killed.** \_\_\_\_\_

House Joint Resolution No. 29, Joint Resolution in favor of Robert J. Croteau.

**Killed.** \_\_\_\_\_

House Joint Resolution No. 30, Joint Resolution in favor of the New Hampshire Veterans' Association.

**Engrossed.** **Chapter 329, Laws of 1957.**

House Joint Resolution No. 31, Joint Resolution relative to reconstruction of Fort at Number Four.

**Engrossed.** **Chapter 365, Laws of 1957.**

House Joint Resolution No. 32, Joint Resolution relative to Hampton Beach parking area.

**Engrossed.** **Chapter 346, Laws of 1957.**

House Joint Resolution No. 33, Joint Resolution directing the governor to conduct a survey to provide adequate planning for a mental health program.

**Engrossed.** **Chapter 356, Laws of 1957.**

House Joint Resolution No. 34, Joint Resolution in favor of the Franconia Ski Club.

**Engrossed.** **Chapter 358, Laws of 1957.**

House Joint Resolution No. 35, Joint Resolution relative to control of the Dutch elm disease.

**Killed.** \_\_\_\_\_

House Joint Resolution No. 36, Joint Resolution for the protection of the Old Man of the Mountain.

**Engrossed.** **Chapter 352, Laws of 1957.**

House Joint Resolution No. 37, Joint Resolution in favor of Walter H. Burbee.

**Engrossed.** **Chapter 334, Laws of 1957.**

House Joint Resolution No. 38, Joint Resolution relative to a study of the pollution problem of the Great Bay watershed.

**Engrossed.**

**Chapter 359, Laws of 1957.**

House Joint Resolution No. 39, Joint Resolution relative to a special committee to study the railroad problem in the state.

**Killed.** 

---

House Joint Resolution No. 40, Joint Resolution to provide community recreation services.

**Killed.** 

---

House Joint Resolution No. 41, Joint Resolution in favor of Stanley E. Eaton.

**Killed.**

House Joint Resolution No. 42, Joint Resolution for the development of wayside picnic areas.

**Engrossed.**

**Chapter 357, Laws of 1957.**

House Joint Resolution No. 43, Joint Resolution in favor of Fletcher P. Forsyth.

**Engrossed.**

**Chapter 335, Laws of 1957.**

House Joint Resolution No. 44, Joint Resolution providing for supplemental appropriation for recreation division of forestry and recreation.

**Engrossed.**

**Chapter 339, Laws of 1957.**

House Joint Resolution No. 45, Joint Resolution relative to improvements to and a study of facilities at Echo Lake—Cathedral Ledge State Park in North Conway.

**Engrossed.**

**Chapter 361, Laws of 1957.**

House Joint Resolution No. 46, Joint Resolution in favor of Kenneth W. Hayward.

**Engrossed.**

**Chapter 336, Laws of 1957.**

House Joint Resolution No. 47, Joint Resolution in favor of the estate of Edmond Hebert.

**Engrossed.**

**Chapter 330, Laws of 1957.**

House Joint Resolution No. 48, Joint Resolution to provide an inventory of the New Hampshire State Library.

**Killed.** 

---

House Joint Resolution No. 49, Joint Resolution in favor of Mr. and Mrs. A. W. Weigele.

**Engrossed.**

**Chapter 342, Laws of 1957.**

House Joint Resolution No. 50, Joint Resolution authorizing the Governor and the Attorney-General to engage special counsel in the New England Telephone and Telegraph Company rate increase petition.

**Killed.** 

---

House Joint Resolution No. 51, Joint Resolution relative to a continued study of multiple use of the Lake Massabesic region.

**Killed.** 

---

House Joint Resolution No. 52, Joint Resolution in favor of Willard M. Cady.

**Engrossed.**

**Chapter 340, Laws of 1957.**

House Joint Resolution No. 53, Joint Resolution in favor of Warren A. Cole.

**Engrossed.**

**Chapter 343, Laws of 1957.**

House Joint Resolution No. 54, Joint Resolution in favor of Roland E. Jenkins.

**Engrossed.**

**Chapter 344, Laws of 1957.**

House Joint Resolution No. 55, Joint Resolution in favor of Harvey F. Harrison.

**Engrossed.**

**Chapter 345, Laws of 1957.**

House Joint Resolution No. 56, Joint Resolution in favor of Angeline M. St. Pierre.

**Killed.** 

---

House Joint Resolution No. 57, Joint Resolution in favor of A. Raymond Smith.

**Engrossed.**

**Chapter 349, Laws of 1957.**

House Joint Resolution No. 58, Joint Resolution in favor of Franklin Wolfson.

**Killed.**

---

House Joint Resolution No. 59, Joint Resolution in favor of George Lindh and Odd Koppang.

**Engrossed.**

**Chapter 350, Laws of 1957.**

House Joint Resolution No. 60, Joint Resolution in favor of Beatrice Wheeler.

**Killed.**

---

House Joint Resolution No. 61, Joint Resolution in favor of William L. Shearer, III, Ralph W. Kelley and Louis Blatt.

**Engrossed.**

**Chapter 351, Laws of 1957.**

House Joint Resolution No. 62, Joint Resolution in favor of the estates of Harley A. Crandall and James J. Burke.

**Engrossed.**

**Chapter 355, Laws of 1957.**

House Joint Resolution No. 63, Joint Resolution relating to retired teachers' study.

**Engrossed.**

**Chapter 362, Laws of 1957.**

House Joint Resolution No. 64, Joint Resolution providing for a portrait of Captain Harle Pease, Jr., for the Pease Air Force Base.

**Engrossed.**

**Chapter 354, Laws of 1957.**

## SENATE BILLS

Senate Bill No. 1, An Act providing for refund of motor vehicle road toll for retail dealers.

**Engrossed.**

**Chapter 117, Laws of 1957.**

Senate Bill No. 2, An Act repealing certain provisions relative to the removal or discharge of Merrimack county employees.

**Engrossed.**

**Chapter 115, Laws of 1957.**

Senate Bill No. 3, An Act relative to expenditure of state funds on Class IV compact section highways.

**Engrossed.**

**Chapter 181, Laws of 1957.**

Senate Bill No. 4, An Act relative to benefits under the firemen's retirement system.

**Engrossed.**

**Chapter 15, Laws of 1957.**

Senate Bill No. 5, An Act correcting an error in a reference to the provisions of the State Library Commission.

**Engrossed.**

**Chapter 23, Laws of 1957.**

Senate Bill No. 6, An Act relative to payment of costs and attorneys' fees by the state in case of certain appeals from assessment of highway damages.

**Killed.**

---

Senate Bill No. 7, An Act relative to limitation of recovery of damages for wrongful death.

**Engrossed.**

**Chapter 91, Laws of 1957.**

Senate Bill No. 8, An Act abolishing the provisions of law relative to milk control.

**Killed.**

---

Senate Bill No. 9, An Act relative to public records and proceedings.

**Killed.**

---



Senate Bill No. 10, An Act relative to correction of assessments for payment of income taxes.

**Engrossed.**

**Chapter 4, Laws of 1957.**

Senate Bill No. 11, An Act relative to certificates as to payment of legacy taxes.

**Killed.**

---

Senate Bill No. 12, An Act relating to permitting domestic insurance companies' investments to be held in the name of a nominee.

**Engrossed.**

**Chapter 43, Laws of 1957.**

Senate Bill No. 13, An Act providing special fees for privately-owned school buses.

**Engrossed.**

**Chapter 233, Laws of 1957.**

Senate Bill No. 14, An Act relative to the detention of children in the state prison.

**Killed.**

---

Senate Bill No. 15, An Act relative to date of annual assessment in unincorporated places.

**Engrossed.**

**Chapter 153, Laws of 1957.**

Senate Bill No. 16, An Act relative to certain refunds of municipal permit fees.

**Engrossed.**

**Chapter 24, Laws of 1957.**

Senate Bill No. 17, An Act to amend the charter of the Wentworth Home for the Aged.

**Engrossed.**

**Chapter 379, Laws of 1957.**

Senate Bill No. 18, An Act relative to motor vehicles or trailers transporting pulpwood.

**Engrossed.**

**Chapter 38, Laws of 1957.**

Senate Bill No. 19, An Act relating to transporter registration.

**Engrossed.**

**Chapter 316, Laws of 1957.**

Senate Bill No. 20, An Act relating to salaries of certain officials of the city of Nashua.

**Engrossed.**

**Chapter 377, Laws of 1957.**

Senate Bill No. 21, An Act relative to the registration of motor vehicles by manufacturers or dealers.

**Engrossed.**

**Chapter 310, Laws of 1957.**

Senate Bill No. 22, An Act relative to the sale of motor vehicles unfit for reconditioning for use upon the highways.

**Killed.** 

---

Senate Bill No. 23, An Act relative to open season for taking wild deer.

**Killed.** 

---

Senate Bill No. 24, An Act concerning investments by savings banks in mortgages of improvements on land subject to a United States Forest Service permit.

**Engrossed.**

**Chapter 39, Laws of 1957.**

Senate Bill No. 25, An Act relating to gifts of securities and money to minors.

**Engrossed.**

**Chapter 74, Laws of 1957.**

Senate Bill No. 26, An Act establishing a department of personnel under the direction of a personnel commission.

**Engrossed.**

**Chapter 88, Laws of 1957.**

Senate Bill No. 27, An Act to enable the town of Rindge to establish a trust fund.

**Engrossed.**

**Chapter 370, Laws of 1957.**

Senate Bill No. 28, An Act relative to the legalization of town or school district meetings.

**Killed.** 

---

Senate Bill No. 29, An Act changing the name and altering the purposes of the Conference of Baptist Ministers in New Hampshire.

**Engrossed.**

**Chapter 383, Laws of 1957.**

Senate Bill No. 30, An Act to make more definite the exceptions to the nurse practice act.

**Killed.** 

---

Senate Bill No. 31, An Act providing that temporary loans may be made for a period not exceeding one year.

**Engrossed.** **Chapter 89, Laws of 1957.**

Senate Bill No. 32, An Act relative to out of state parolee supervision.

**Engrossed.** **Chapter 63, Laws of 1957.**

Senate Bill No. 33, An Act relative to supervision of reports of income by certain county and municipal officers.

**Engrossed.** **Chapter 64, Laws of 1957.**

Senate Bill No. 34, An Act authorizing the attorney general to establish a police training school.

**Killed.** 

---

Senate Bill No. 35, An Act establishing a special fund for towns and cities for deer killed therein.

**Killed.** 

---

Senate Bill No. 36, An Act establishing a special fund for payments to persons killed or injured from accidental shooting.

**Killed.** 

---

Senate Bill No. 37, An Act relative to employment of minors under liquor and beverage laws.

**Killed.** 

---

Senate Bill No. 38, An Act relating to probate courts.

**Engrossed.** **Chapter 139, Laws of 1957.**

Senate Bill No. 39, An Act relative to payments to state institutions.

**Engrossed.** **Chapter 69, Laws of 1957.**

Senate Bill No. 40, An Act providing an open season for taking fisher.

**Killed.** 

---

Senate Bill No. 41, An Act relative to trustees of the Laconia State School.

**Engrossed.**

**Chapter 166, Laws of 1957.**

Senate Bill No. 42, An Act relative to defective delinquents at Laconia State School.

**Engrossed.**

**Chapter 220, Laws of 1957.**

Senate Bill No. 43, An Act relative to limitation of committals to Laconia State School.

**Engrossed.**

**Chapter 221, Laws of 1957.**

Senate Bill No. 44, An Act relative to compensation to inmates of Laconia State School.

**Killed.**

---

Senate Bill No. 45, An Act providing for a deputy superintendent at Laconia State School.

**Engrossed.**

**Chapter 223, Laws of 1957.**

Senate Bill No. 46, An Act relative to ice fishing in Umbagog Lake.

**Engrossed.**

**Chapter 14, Laws of 1957.**

Senate Bill No. 47, An Act to authorize the school district of Barnstead to exceed its limit of bonded indebtedness.

**Engrossed.**

**Chapter 380, Laws of 1957.**

Senate Bill No. 48, An Act relative to fee paid by legislative counsel.

**Engrossed.**

**Chapter 78, Laws of 1957.**

Senate Bill No. 49, An Act relative to the industrial park authority.

**Engrossed.**

**Chapter 237, Laws of 1957.**

Senate Bill No. 50, An Act relative to special sessions of probate court.

**Engrossed.**

**Chapter 79, Laws of 1957.**

Senate Bill No. 51, An Act relative to the salaries of the judges of the probate court.

**Engrossed.**

**Chapter 269, Laws of 1957.**

Senate Bill No. 52, An Act relative to milk control.

**Killed.** 

---

Senate Bill No. 53, An Act relative to providing for an additional member for the state board of health.

**Engrossed.** **Chapter 208, Laws of 1957.**

Senate Bill No. 54, An Act relative to dogs at large.

**Engrossed.** **Chapter 154, Laws of 1957.**

Senate Bill No. 55, An Act relative to the practice of chiropody.

**Engrossed.** **Chapter 169, Laws of 1957.**

Senate Bill No. 56, An Act relative to liability of relatives to contribute to support of poor persons.

**Killed.** 

---

Senate Bill No. 57, An Act providing for hearing in case of failure to renominate or reelect a teacher.

**Engrossed.** **Chapter 285, Laws of 1957.**

Senate Bill No. 58, An Act relative to student nurses immunity from civil suit while engaged in civil defense.

**Engrossed.** **Chapter 185, Laws of 1957.**

Senate Bill No. 59, An Act relative to borrowing by cities and towns.

**Engrossed.** **Chapter 95, Laws of 1957.**

Senate Bill No. 60, An Act to determine the responsibility for the intentional or negligent contribution to the delinquency of a minor.

**Engrossed.** **Chapter 214, Laws of 1957.**

Senate Bill No. 61, An Act relative to transfer of unclaimed ticket money from horse racing into general funds.

**Engrossed.** **Chapter 145, Laws of 1957.**

Senate Bill No. 62, An Act relating to the issuance of licenses for the sale of liquor in restaurants.

**Engrossed.** **Chapter 47, Laws of 1957.**

Senate Bill No. 63, An Act relative to reclassification of a road in Walpole.

**Engrossed.**

**Chapter 105, Laws of 1957.**

Senate Bill No. 64, An Act relative to expenditure of state funds.

**Engrossed.**

**Chapter 112, Laws of 1957.**

Senate Bill No. 65, An Act relative to offenses against minors.

**Killed.** 

---

Senate Bill No. 66, An Act relating to the taxation of house trailers and mobile homes.

**Legislative Council.** 

---

Senate Bill No. 67, An Act relative to extension of time for making up list of poll taxes.

**Engrossed.**

**Chapter 86, Laws of 1957.**

Senate Bill No. 68, An Act establishing an agreement on detainers.

**Judicial Council.** 

---

Senate Bill No. 69, An Act relative to distribution of supreme court reports.

**Engrossed.**

**Chapter 65, Laws of 1957.**

Senate Bill No. 70, An Act relative to investments by domestic life insurance companies.

**Engrossed.**

**Chapter 114, Laws of 1957.**

Senate Bill No. 71, An Act relating to bids by sub-contractors.

**Killed.** 

---

Senate Bill No. 72, An Act relative to compensation for the commissioners of Cheshire county.

**Engrossed.**

**Chapter 182, Laws of 1957.**

Senate Bill No. 73, An Act relative to optional allowances under the teachers' retirement system and to date of modification of integrated systems.

**Engrossed.**

**Chapter 200, Laws of 1957.**

Senate Bill No. 74, An Act relative to the date for an annual town meeting.

**Killed.** 

---

Senate Bill No. 75, An Act naming Bear Brook State Park the Floyd Cole State Park.

**Killed.** 

---

Senate Bill No. 76, An Act relative to taking pickerel through the ice from Umbagog Lake.

**Engrossed.** Chapter 106, Laws of 1957.

Senate Bill No. 77, An Act providing for interest from date of writ added to damages awarded in certain civil actions.

**Killed.** 

---

Senate Bill No. 78, An Act relative to salaries of court stenographers.

**Engrossed.** Chapter 140, Laws of 1957.

Senate Bill No. 79, An Act relative to employment of an extra court stenographer.

**Engrossed.** Chapter 129, Laws of 1957.

Senate Bill No. 80, An Act relating to expiration of void mortgages.

**Engrossed.** Chapter 256, Laws of 1957.

Senate Bill No. 81, An Act relative to salaries of city officials and employees.

**Killed.** 

---

Senate Bill No. 82, An Act relative to the salaries of justices and special justices of the Nashua Municipal Court.

**Engrossed.** Chapter 209, Laws of 1957.

Senate Bill No. 83, An Act to authorize the school district of Stratham to exceed its limit of bonded indebtedness.

**Engrossed.** Chapter 386, Laws of 1957.

Senate Bill No. 84, An Act relating to control of cemeteries in the town of Rollinsford.

**Killed.** 

---

Senate Bill No. 85, An Act providing for the classification of Beaver Brook watershed.

**Engrossed.**

**Chapter 130, Laws of 1957.**

Senate Bill No. 86, An Act relating to the construction and financing of the sewerage system and sewage disposal plant for the town of Derry.

**Engrossed.**

**Chapter 391, Laws of 1957.**

Senate Bill No. 87, An Act relative to definition of employees under the workmen's compensation law.

**Killed.**

---

Senate Bill No. 88, An Act relative to decrees and certificates of adoption.

**Engrossed.**

**Chapter 96, Laws of 1957.**

Senate Bill No. 89, An Act relating to the confidential nature of adoption records and proceedings.

**Engrossed.**

**Chapter 197, Laws of 1957.**

Senate Bill No. 90, An Act relative to detainers within the state.

**Judicial Council.**

---

Senate Bill No. 91, An Act relative to interstate compact on mental health.

**Engrossed.**

**Chapter 215, Laws of 1957.**

Senate Bill No. 92, An Act relative to certain transfers from the employees retirement system to the firemen's retirement system.

**Engrossed.**

**Chapter 155, Laws of 1957..**

Senate Bill No. 93, An Act legalizing the school district meeting held in Hampton Falls on March 8, 1957.

**Engrossed.**

**Chapter 390, Laws of 1957.**

Senate Bill No. 94, An Act relative to the Wolfeboro Village Fire Precinct.

**Engrossed.**

**Chapter 407, Laws of 1957.**



Senate Bill No. 95, An Act relative to change of classification of roads in Bethlehem.

**Engrossed.**

**Chapter 265, Laws of 1957.**

Senate Bill No. 96, An Act correcting certain errors in the statutes relative to municipal budget law.

**Engrossed.**

**Chapter 131, Laws of 1957.**

Senate Bill No. 97, An Act relative to registers of deeds.

**Engrossed.**

**Chapter 92, Laws of 1957.**

Senate Bill No. 98, An Act providing that each town and ward shall have representation in the House of Representatives at each session of the legislature.

**Killed.** 

---

Senate Bill No. 99, An Act changing the title of overseer of the poor to overseer of public welfare.

**Engrossed.**

**Chapter 198, Laws of 1957.**

Senate Bill No. 100, An Act relative to reforestation week and arbor day.

**Engrossed.**

**Chapter 93, Laws of 1957.**

Senate Bill No. 101, An Act relative to jurisdiction of forestry and recreation commission over certain islands in great ponds.

**Engrossed.**

**Chapter 286, Laws of 1957.**

Senate Bill No. 102, An Act relative to final disposition of cases involving delinquent children.

**Killed.** 

---

Senate Bill No. 103, An Act relative to increasing the borrowing capacity by school districts.

**Engrossed.**

**Chapter 120, Laws of 1957.**

Senate Bill No. 104, An Act to amend the charter of the city of Nashua relating to defining the boundaries of the wards.

**Killed.** 

---

Senate Bill No. 105, An Act relating to motor vehicles carrying property for hire.

**Killed.** 

---

Senate Bill No. 106, An Act relative to the salary of the sheriff of Strafford county.

**Engrossed.**

**Chapter 156, Laws of 1957.**

Senate Bill No. 107, An Act relative to a special account for the use by the fish and game director.

**Engrossed.**

**Chapter 157, Laws of 1957.**

Senate Bill No. 108, An Act relative to the terms of office of the mayor of Manchester.

**Killed.** 

---

Senate Bill No. 109, An Act relative to hearings before the personnel commission.

**Engrossed.**

**Chapter 224, Laws of 1957.**

Senate Bill No. 110, An Act relative to reports of fire insurance companies to the board of fire control.

**Engrossed.**

**Chapter 225, Laws of 1957.**

Senate Bill No. 111, An Act relative to liability for the use of high explosives.

**Killed.** 

---

Senate Bill No. 112, An Act legalizing action taken at town meeting held in the town of Derry in March, 1957.

**Engrossed.**

**Chapter 401, Laws of 1957.**

Senate Bill No. 113, An Act providing for town advisory committee.

**Killed.** 

---

Senate Bill No. 114, An Act relative to Hooksett school district.

**Engrossed.**

**Chapter 397, Laws of 1957.**

Senate Bill No. 115, An Act to provide for coordination of mutual aid in protection against fires.

**Engrossed.**

**Chapter 277, Laws of 1957.**

Senate Bill No. 116, An Act relative to communications by prisoners.

**Killed.** \_\_\_\_\_

Senate Bill No. 117, An Act relative to cemetery trust funds.

**Killed.** \_\_\_\_\_

Senate Bill No. 118, An Act legalizing the organization meeting for the cooperative school district in Hampton, Hampton Falls, North Hampton, and Seabrook.

**Engrossed.**

**Chapter 415, Laws of 1957.**

Senate Bill No. 119, An Act relative to exclusion of certain public utilities from filing provisions.

**Engrossed.**

**Chapter 132, Laws of 1957.**

Senate Bill No. 120, An Act relative to the definition of group life insurance.

**Killed.** \_\_\_\_\_

Senate Bill No. 121, An Act authorizing municipalities to require the repair, closing or demolition of housing unfit for human habitation and to establish and enforce housing standards.

**Killed.** \_\_\_\_\_

Senate Bill No. 122, An Act authorizing administrators or executors with the assent of heirs and devisees, to mortgage real estate.

**Engrossed.**

**Chapter 167, Laws of 1957.**

Senate Bill No. 123, An Act prohibiting the trapping of beaver in Coos county for a limited period.

**Engrossed.**

**Chapter 228, Laws of 1957.**

Senate Bill No. 124, An Act relating to bridges on the secondary system of highways.

**Engrossed.**

**Chapter 133, Laws of 1957.**

Senate Bill No. 125, An Act relating to bridges on the class V system of highways.

**Engrossed.**

**Chapter 134, Laws of 1957.**

Senate Bill No. 126, An Act pertaining to new positions and reclassification of positions in the classified service.

**Engrossed.**

**Chapter 238, Laws of 1957.**

Senate Bill No. 127, An Act relative to the debt limit of the Salem school district.

**Engrossed.**

**Chapter 398, Laws of 1957.**

Senate No. 128, An Act relative to investments of savings banks and loans by trust companies.

**Engrossed.**

**Chapter 210, Laws of 1957.**

Senate Bill No. 129, An Act relative to the federal aid highway act of 1956.

**Killed.**

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Senate Bill No. 130, An Act relative to right of way for highway purposes through state hospital land.

**Engrossed.**

**Chapter 135, Laws of 1957.**

Senate Bill No. 131, An Act relating to building and loan associations.

**Engrossed.**

**Chapter 194, Laws of 1957.**

Senate Bill No. 132, An Act to authorize the state of New Hampshire to enter into a compact with the states of Maine and Vermont to establish a tri-state regional medical needs board.

**Engrossed.**

**Chapter 141, Laws of 1957.**

Senate Bill No. 133, An Act relating to financial responsibility of motorists.

**Killed.**

---

Senate Bill No. 134, An Act to legalize the proceedings of a special meeting of Goffstown and permit it to borrow a certain sum of money outside its debt limit and provide for a guarantee of said debt.

**Engrossed.**

**Chapter 395, Laws of 1957.**

Senate Bill No. 135, An Act granting the attorney general subpoena power in certain cases.

**Killed.** 

---

Senate Bill No. 136, An Act relative to the acceptance of gifts to the State library for library purposes.

**Engrossed.** **Chapter 158, Laws of 1957.**

Senate Bill No. 137, An Act exempting totally disabled persons from the payment of poll and head taxes.

**Killed.** 

---

Senate Bill No. 138, An Act legalizing the special meeting of Sullivan school district held January 24, 1957.

**Engrossed.** **Chapter 402, Laws of 1957.**

Senate Bill No. 139, An Act permitting employee retirement plans at the option of towns.

**Killed.** 

---

Senate Bill No. 140, An Act establishing the Berlin Airport authority.

**Engrossed.** **Chapter 433, Laws of 1957.**

Senate Bill No. 141, An Act authorizing rehabilitation work in redevelopment projects.

**Killed.** 

---

Senate Bill No. 142, An Act relative to the charter of the city of Laconia to clarify a section relating to schools.

**Engrossed.** **Chapter 416, Laws of 1957.**

Senate Bill No. 143, An Act relative to appropriation for registers of probate and additional legislative expenses and appropriation.

**Engrossed.** **Chapter 309, Laws of 1957.**

Senate Bill No. 144, An Act to establish the town of West Lebanon from a part of the territory of the town of Lebanon.

**Killed.** 

---

Senate Bill No. 145, An Act relative to the salaries of Strafford, Sullivan and Belknap county solicitors.

**Engrossed.**

**Chapter 211, Laws of 1957.**

Senate Bill No. 146, An Act relative to Swanzey school district.

**Engrossed.**

**Chapter 389, Laws of 1957.**

Senate Bill No. 147, An Act relative to the employment of children.

**Engrossed.**

**Chapter 278, Laws of 1957.**

Senate Bill No. 148, An Act establishing a board for relief for wrongful imprisonment.

**Killed.** 

---

Senate Bill No. 149, An Act relative to the appropriation of money at town meetings.

**Engrossed.**

**Chapter 239, Laws of 1957.**

Senate Bill No. 150, An Act relative to factors' liens.

**Engrossed.**

**Chapter 216, Laws of 1957.**

Senate Bill No. 151, An Act relating to damage sustained in motor vehicle accidents.

**Killed.** 

---

Senate Bill No. 152, An Act providing for a study relative to budgets for cooperative school districts.

**Killed.** 

---

Senate Bill No. 153, An Act relative to exemptions from taxation of the Appalachian Mountain Club.

**Killed.** 

---

Senate Bill No. 154, An Act relative to lumber cut reports.

**Engrossed.**

**Chapter 226, Laws of 1957.**

Senate Bill No. 155, An Act to establish a new apportionment for the assessment of public taxes.

**Engrossed.**

**Chapter 170, Laws of 1957.**

Senate Bill No. 156, An Act providing that the salaries of elected county officials be fixed by the county convention.

**Killed.** 

---

Senate Bill No. 157, An Act relative to investments of savings banks in industrial securities.

**Killed.** 

---

Senate Bill No. 158, An Act relating to probate courts.

**Engrossed.**

**Chapter 240, Laws of 1957.**

Senate Bill No. 159, An Act establishing a new ward for the city of Manchester.

**Engrossed.**

**Chapter 438, Laws of 1957.**

Senate Bill No. 160, An Act relating to judgments rendered in Canadian courts.

**Engrossed.**

**Chapter 171, Laws of 1957.**

Senate Bill No. 161, An Act relative to contracts for projects for the fish and game department and the recreation division of the Forestry and Recreation Commission.

**Engrossed.**

**Chapter 257, Laws of 1957.**

Senate Bill No. 162, An Act relating to the salaries of deputy registers of Probate.

**Engrossed.**

**Chapter 278, Laws of 1957.**

Senate Bill No. 163, An Act relating to the salaries of registers of Probate.

**Engrossed.**

**Chapter 280, Laws of 1957.**

Senate Bill No. 164, An Act legalizing the special actions taken at the special meeting of Hopkinton School District, February 6, 1957, and authorizing certain indebtedness.

**Engrossed.**

**Chapter 413, Laws of 1957.**

Senate Bill No. 165, An Act relating to purchase of liability insurance under a fleet policy.

**Engrossed.**

**Chapter 270, Laws of 1957.**

Senate Bill No. 166, An Act relating to the board of approval for bonds of state employees and officials.

**Engrossed.**

**Chapter 296, Laws of 1957.**

Senate Bill No. 167, An Act relative to dogs pursuing or maiming deer.

**Killed.** 

---

Senate Bill No. 168, An Act relative to the sale of dangerous weapons.

**Engrossed.**

**Chapter 229, Laws of 1957.**

Senate Bill No. 169, An Act relative to arbitration for firemen and teachers in the city of Manchester.

**Judicial Council.** 

---

Senate Bill No. 170, An Act relative to dog registration tags.

**Engrossed.**

**Chapter 217, Laws of 1957.**

Senate Bill No. 171, An Act relative to rights of surviving husband and wife.

**Engrossed.**

**Chapter 261, Laws of 1957.**

Senate Bill No. 172, An Act to limit the length and horsepower of passenger motor vehicles.

**Killed.** 

---

Senate Bill No. 173, An Act relative to mutual savings banks.

**Killed.** 

---

Senate Bill No. 174, An Act relative to use of funds held by the trustees of the Boscawen academy in Boscawen.

**Engrossed.**

**Chapter 423, Laws of 1957.**



Senate Bill No. 175, An Act providing for use of state armories by the civil air patrol.

**Killed.** \_\_\_\_\_

Senate Bill No. 176, An Act relative to examination of banks by bank commissioner.

**Engrossed.**

**Chapter 258, Laws of 1957.**

Senate Bill No. 177, An Act relative to public meetings of state and local boards and commissions.

**Killed.** \_\_\_\_\_

Senate Bill No. 178, An Act limiting the jurisdiction of the public utilities commission over railroads and buses.

**Referred to Legislative Council.** \_\_\_\_\_

Senate Bill No. 179, An Act to correct an error in the statute relative to selling or serving milk for drinking.

**Engrossed.**

**Chapter 183, Laws of 1957.**

Senate Bill No. 180, An Act to correct clerical error in an act relative to town appropriation.

**Engrossed.**

**Chapter 186, Laws of 1957.**

Senate Bill No. 181, An Act relative to mortgage loans by savings banks which are guaranteed or insured by federal agencies.

**Killed.** \_\_\_\_\_

Senate Bill No. 182, An Act relative to injuries to property.

**Killed.** \_\_\_\_\_

Senate Bill No. 183, An Act relative to duties of the legal counsel to the Senate.

**Engrossed.**

**Chapter 218, Laws of 1957.**

Senate Bill No. 184, An Act relating to extension and re-amortization of mortgage loans to veterans.

**Engrossed.**

**Chapter 219, Laws of 1957.**

Senate Bill No. 185, An Act to provide for payment of claims and judgments arising out of motor vehicle accidents caused by uninsured or unknown drivers.

**Killed.** \_\_\_\_\_

Senate Bill No. 186, An Act relative to the acceptance of federal aid for preservation of roadside scenery on the interstate highway system.

**Killed.** \_\_\_\_\_

Senate Bill No. 187, An Act providing for the acquisition of lake shore park in Gilford.

**Killed.** \_\_\_\_\_

Senate Bill No. 188, An Act relative to the sewerage system in the town of Hampton.

**Engrossed.**

**Chapter 435, Laws of 1957.**

Senate Bill No. 189, An Act providing limitations on rate of interest on loans of over \$300.

**Killed.** \_\_\_\_\_

Senate Bill No. 190, An Act relative to opening and closing of polls at primaries and biennial elections in towns.

**Engrossed.**

**Chapter 230, Laws of 1957.**

Senate Bill No. 191, An Act relative to economic growth survey.

**Engrossed.**

**Chapter 297, Laws of 1957.**

Senate Bill No. 192, An Act relative to acquisition of recreational area in Monadnock region.

**Engrossed.**

**Chapter 259, Laws of 1957.**

Senate Bill No. 193, An Act relative to membership in the council on resources and development.

**Engrossed.**

**Chapter 241, Laws of 1957.**

Senate Bill No. 194, An Act relative to political expenditures and contributions.

**Engrossed.**

**Chapter 298, Laws of 1957.**

Senate Bill No. 195, An Act relative to public weighers.  
**Killed.** 

---

Senate Bill No. 196, An Act relative to qualifications for registration as pharmacists.  
**Killed.** 

---

Senate Bill No. 197, An Act relative to cases transferred from juvenile court to the superior court.  
**Engrossed.** **Chapter 231, Laws of 1957.**

Senate Bill No. 198, An Act relative to repair of town highways.  
**Engrossed.** **Chapter 260, Laws of 1957.**

Senate Bill No. 199, An Act relative to public assistance to the blind.  
**Killed.** 

---

Senate Bill No. 200, An Act relating to approved schools of hairdressing.  
**Engrossed.** **Chapter 232, Laws of 1957.**

Senate Bill No. 201, An Act to legalize the proceedings of an annual meeting of the Lebanon school district and to permit it to borrow a sum of money.  
**Engrossed.** **Chapter 426, Laws of 1957.**

Senate Bill No. 202, An Act relative to adequate planning for a mental health program and an appropriation for the construction of a building for defective delinquents.  
**Killed.** 

---

Senate Bill No. 203, An Act relative to appeals from assessment of damages for highway layout and special provisions for appeal in cases of Frederick C. and Avis G. Pearson and Festus S. and Valeda Thornton.  
**Engrossed.** **Chapter 281, Laws of 1957.**

Senate Bill No. 204, An Act relative to payment for claims for damages due to activities of the department of public works and highways.

**Engrossed.**

**Chapter 266, Laws of 1957.**

Senate Bill No. 205, An Act relative to by-laws, officers, and credit committee of credit unions.

**Engrossed.**

**Chapter 304, Laws of 1957.**

Senate Bill No. 206, An Act to amend the charter of the Siwooganock Guaranty Savings Bank, and relative to legal investments for savings banks.

**Engrossed.**

**Chapter 322, Laws of 1957.**

Senate Bill No. 207, An Act relative to the sale of the Berlin armory.

**Engrossed.**

**Chapter 271, Laws of 1957.**

Senate Bill No. 208, An Act relative to abatement for overpayment of income taxes.

**Engrossed.**

**Chapter 317, Laws of 1957.**

Senate Bill No. 209, An Act relating to deputy clerks of court and sheriffs services.

**Engrossed.**

**Chapter 307, Laws of 1957.**

Senate Bill No. 210, An Act relative to the military staff of the governor.

**Killed.**

---

Senate Bill No. 211, An Act relative to tax exemption for the blind.

**Engrossed.**

**Chapter 299, Laws of 1957.**

Senate Bill No. 212, An Act relating to equalization of taxes in wards of cities.

**Engrossed.**

**Chapter 300, Laws of 1957.**

Senate Bill No. 213, An Act relative to registration of voters in the city of Portsmouth.

**Engrossed.**

**Chapter 431, Laws of 1957.**

### Senate Joint Resolutions

---

Senate Joint Resolution No. 1, Joint Resolution in favor of Margaret C. Coll.

**Killed.** 

---

Senate Joint Resolution 2, Joint Resolution in favor of Eleanor Marquis.

**Engrossed.**

**Chapter 338, Laws of 1957.**

Senate Joint Resolution No. 3, Joint Resolution recognizing long service of state employees.

**Killed.** 

---

Senate Joint Resolution No. 4, Joint Resolution in favor of Ernest Morgan.

**Killed.** 

---

Senate Joint Resolution No. 5, Joint Resolution in favor of J. Wayne Ferns.

**Engrossed.**

**Chapter 341, Laws of 1957.**

Senate Joint Resolution No. 6, Joint Resolution in favor of Charles F. Macey.

**Engrossed.**

**Chapter 348, Laws of 1957.**

Senate Joint Resolution No. 7, Joint Resolution to provide for an investigation of gasoline prices in the state of New Hampshire.

**Engrossed.**

**Chapter 353, Laws of 1957.**

Senate Joint Resolution No. 8, Joint Resolution relative to interpretation of legislative intent on subversive activities.

**Engrossed.**

**Chapter 347, Laws of 1957.**

Senate Joint Resolution No. 9, Joint Resolution relative to a study of water supply in the seacoast region of the state.

**Engrossed.**

**Chapter 364, Laws of 1957.**

Senate Joint Resolution No. 10, Joint Resolution relative to Mount Washington.

**Engrossed.**

**Chapter 363, Laws of 1957.**

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